

NYAYA PATHSHALA ACADEMY · CLAT PG TEST SERIES

# CLAT PG Mock 01

## Level 1 · Easy

**120**

Questions

**24**

Passages

**120**

Minutes

**-0.25**

Per wrong answer

### Instructions

1. The paper has 120 multiple-choice questions based on 24 passages, five questions per passage.
2. Time allowed: 2 hours. Each correct answer earns 1 mark; each wrong answer loses 0.25 marks. Unanswered questions get no marks.
3. Read each passage carefully; some questions test the passage, others test related legal knowledge.
4. Attempt the full paper before opening the answer key and explanations at the end.
5. Take this paper online with a timer, instant score and subject-wise analysis: scan the QR code on any page.

### Subjects in this paper

|                    |       |                                         |       |
|--------------------|-------|-----------------------------------------|-------|
| Constitutional Law | 40 Qs | Property Law                            | 5 Qs  |
| Jurisprudence      | 10 Qs | Company Law                             | 5 Qs  |
| Administrative Law | 5 Qs  | Public International Law & Human Rights | 5 Qs  |
| Law of Contract    | 10 Qs | Environmental Law                       | 5 Qs  |
| Law of Torts       | 5 Qs  | Intellectual Property                   | 5 Qs  |
| Criminal Law       | 10 Qs | Other                                   | 10 Qs |
| Family Law         | 5 Qs  |                                         |       |

Original mock paper by Nyaya Pathshala Academy in the CLAT PG pattern. Passages are based on real judgments and statutes, written in our own words. Not affiliated with the Consortium of NLUs.



PASSAGE 1 · CONSTITUTIONAL LAW

## The Limits of the Amending Power

In the early 1970s, Swami Kesavananda Bharati, head of the Edneer Mutt in Kerala, challenged the State's land reform legislation, which restricted the management of the religious institution's property. While the case was pending, Parliament enacted the Twenty-fourth, Twenty-fifth and Twenty-ninth Amendments, which sought to undo the effect of the Supreme Court's decision in I.C. Golak Nath and to shield land reform laws from judicial scrutiny. The petition soon became a vehicle for the most fundamental question in Indian constitutional law: is there any limit to Parliament's power to amend the Constitution under Article 368?

A bench of thirteen judges, the largest ever constituted by the Supreme Court, heard arguments for several months. On 24 April 1973, by a majority of seven to six, the Court held that Parliament's power to amend, though wide, does not extend to altering the basic structure or framework of the Constitution. The Court overruled Golak Nath on the point that a constitutional amendment is "law" under Article 13, and upheld the Twenty-fourth Amendment. Parliament could thus amend any provision, including the fundamental rights, but the very idea of an amendment implied that the Constitution must survive the change with its identity intact.

The judges in the majority did not offer a single exhaustive list. Chief Justice Sikri gave illustrations such as the supremacy of the Constitution, the republican and democratic form of government, its secular character, the separation of powers and its federal character. Other judges added features such as the dignity of the individual and the unity and integrity of the nation. The opinion of Justice H.R. Khanna, who held that the right to property was not part of the basic structure but that the amending power could not be used to destroy the Constitution's essential features, proved decisive in forming the majority view.

Applying this test, the Court upheld the first part of Article 31C, introduced by the Twenty-fifth Amendment, which protected laws giving effect to certain directive principles from challenge under Articles 14, 19 and 31. However, it struck down the second part, which declared that no such law could be questioned on the ground that it did not give effect to that policy, because that clause excluded judicial review altogether.

The significance of the decision lies in the balance it struck. Parliament retained a vast power to reshape the Constitution in response to social needs, but the judiciary became the guardian of the document's core identity. The doctrine remains the central limit on constitutional change in India.

Based on Kesavananda Bharati v. State of Kerala (1973)

1. Which of the following best states the holding in Kesavananda Bharati as described in the passage?
  - (A) Parliament cannot amend any fundamental right under Article 368.
  - (B) Parliament can amend any provision of the Constitution, including fundamental rights, but cannot alter its basic structure.
  - (C) Parliament's amending power is unlimited so long as the procedure in Article 368 is followed.
  - (D) Only provisions outside Part III can be amended, and only with the ratification of the States.



2. Which part of Article 31C was struck down in Kesavananda Bharati, and why?
  - (A) The clause protecting laws from challenge under Article 14, because equality is a basic feature.
  - (B) The clause declaring that no such law could be questioned on the ground that it did not give effect to the stated policy, because it excluded judicial review.
  - (C) The whole of Article 31C, because it subordinated fundamental rights to directive principles.
  - (D) The clause protecting laws from challenge under Article 31, because the right to property is a basic feature.
3. In which case did the Supreme Court apply the basic structure doctrine to strike down clause (4) of Article 329A, inserted by the Thirty-ninth Amendment, which concerned disputes over the election of the Prime Minister?
  - (A) Minerva Mills Ltd. v. Union of India (1980)
  - (B) Sankari Prasad Singh Deo v. Union of India (1951)
  - (C) Indira Nehru Gandhi v. Raj Narain (1975)
  - (D) Sajjan Singh v. State of Rajasthan (1965)
4. Assertion (A): Justice H.R. Khanna's opinion was decisive in forming the majority in Kesavananda Bharati. Reason (R): Justice Khanna held that the right to property was part of the basic structure of the Constitution.
  - (A) Both A and R are true, and R is the correct explanation of A
  - (B) Both A and R are true, but R is not the correct explanation of A
  - (C) A is false but R is true
  - (D) A is true but R is false
5. Suppose Parliament, following the procedure in Article 368, passes an amendment allowing the executive to abolish all courts and govern by decree. Applying the passage, the amendment would most likely be:
  - (A) valid, because it follows the procedure prescribed in Article 368
  - (B) invalid, because it destroys basic features such as the separation of powers and the supremacy of the Constitution
  - (C) valid, because after Kesavananda Bharati an amendment is not "law" under Article 13
  - (D) invalid only because it was not first approved in a national referendum

#### PASSAGE 2 · CONSTITUTIONAL LAW

### Fair, Just and Reasonable Procedure

In July 1977, Maneka Gandhi, a journalist, received a letter from the Regional Passport Officer, Delhi, directing her to surrender her passport within seven days. The order was made under Section 10(3)(c) of the Passports Act, 1967, which allowed the authority to impound a passport if it deemed this necessary "in the interests of the general public". When she asked for the reasons, the Government of India declined to give them, again citing the interests of the general public. She approached the Supreme Court under Article 32, contending that the order violated her fundamental rights under Articles 14, 19 and 21.

The central question was the meaning of the phrase procedure established by law in Article 21. In A.K. Gopalan v. State of Madras (1950), the Court had read this phrase narrowly: any procedure enacted by a competent legislature would suffice, and each fundamental right was treated as a separate compartment. A



law depriving a person of personal liberty had only to satisfy Article 21, without being tested against Articles 14 and 19.

A seven-judge bench decisively rejected this approach. The Court held that the fundamental rights in Part III are not mutually exclusive. A law prescribing a procedure for depriving a person of personal liberty must meet the requirements of Article 21, must not violate any freedom under Article 19 that it affects, and must also withstand the test of Article 14. Since Article 14 strikes at arbitrariness, the procedure contemplated by Article 21 must be right, just and fair, and not arbitrary, fanciful or oppressive. Personal liberty was given a wide meaning, and the right to travel abroad, recognised earlier in *Satwant Singh Sawhney* (1967), was confirmed as part of it.

On the facts, the Court read the principle of *audi alteram partem* into Section 10(3)(c). Although the Act did not expressly provide for a hearing, natural justice required that the holder be given an opportunity to be heard, which could in appropriate cases be offered after the order. Because the Attorney General stated that the Government would give Maneka Gandhi a hearing and reconsider the matter promptly, the Court did not quash the order but disposed of the petition on that basis.

The judgment transformed Article 21. By requiring fairness in procedure and linking Articles 14, 19 and 21, it laid the foundation for the later expansion of the right to life to include speedy trial, legal aid, livelihood and a clean environment.

Based on *Maneka Gandhi v. Union of India* (1978)

6. According to the passage, which approach of A.K. Gopalan did Maneka Gandhi reject?
  - (A) That Article 21 incorporates American-style substantive due process in full.
  - (B) That natural justice must be expressly provided for in every statute to apply.
  - (C) That each fundamental right is a separate compartment, so a law affecting personal liberty need satisfy only Article 21.
  - (D) That the right to travel abroad is not a part of personal liberty.
7. A State law authorises a district officer to order any person to remain confined to his village for six months, without a hearing and without recording reasons. Applying *Maneka Gandhi*, the law is most likely:
  - (A) valid, because it is a procedure enacted by a competent legislature
  - (B) valid, because Article 21 does not apply to restrictions on movement within India
  - (C) invalid, because the procedure is arbitrary and unfair and must also be tested against Articles 14 and 19
  - (D) invalid only because such a law can be made by Parliament alone
8. The principle that equality and arbitrariness are antithetic, on which the *Maneka Gandhi* Court built its reading of Article 14, had been articulated earlier in:
  - (A) *State of West Bengal v. Anwar Ali Sarkar* (1952)
  - (B) *E.P. Royappa v. State of Tamil Nadu* (1974)
  - (C) *ADM Jabalpur v. Shivkant Shukla* (1976)
  - (D) *Kesavananda Bharati v. State of Kerala* (1973)



9. Why did the Supreme Court not quash the order impounding the passport?
- (A) Because the Passports Act, 1967 expressly provided for a post-decisional hearing.
  - (B) Because the Attorney General stated that she would be given a hearing and the matter would be reconsidered promptly.
  - (C) Because the right to travel abroad was held not to be a fundamental right.
  - (D) Because the petition under Article 32 was held not maintainable.
10. Consider the following statements about Maneka Gandhi: I. The Court held that a hearing under Section 10(3)(c) may, in appropriate cases, be given after the impounding order. II. The Court struck down the Passports Act, 1967 for not expressly providing a hearing. Which of the statements is/are correct?
- (A) Only I
  - (B) Only II
  - (C) Both I and II
  - (D) Neither I nor II

#### PASSAGE 3 · CONSTITUTIONAL LAW

### Privacy as a Fundamental Right

In 2012, Justice K.S. Puttaswamy, a retired judge of the Karnataka High Court, filed a petition challenging the Aadhaar scheme, under which the Union collected biometric and demographic information of residents. During the hearing, the Union argued that the Constitution did not recognise any fundamental right to privacy, relying on two earlier decisions: *M.P. Sharma v. Satish Chandra* (1954), decided by eight judges, and *Kharak Singh v. State of Uttar Pradesh* (1962), decided by six judges. Because these decisions were rendered by larger benches than the later cases recognising privacy, the question was referred to a bench of nine judges.

On 24 August 2017, the nine-judge bench unanimously held that the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III. *M.P. Sharma* and *Kharak Singh* were overruled to the extent that they held otherwise. The Court noted that in *Kharak Singh* itself, the majority had struck down night-time domiciliary visits by the police, and that the minority opinion of Justice Subba Rao had expressly treated privacy as an essential ingredient of liberty.

The leading opinion, authored by Justice D.Y. Chandrachud on behalf of four judges, explained that privacy is not an elitist construct but a condition for the exercise of dignity, autonomy and choice. It has several dimensions: bodily integrity, the privacy of personal information, and decisional autonomy over intimate matters such as marriage, procreation and sexual orientation. The judges also emphasised that the Constitution must be read as a living document, so that its protections respond to technological change, including the collection and processing of personal data.

The Court made clear that privacy, like other rights, is not absolute. An intrusion must satisfy three requirements: there must be a law authorising it; the law must pursue a legitimate state aim; and the means adopted must be proportionate to the object sought to be achieved. This standard became the framework for later cases, including the challenge to Aadhaar itself, which was decided separately by a five-judge bench in 2018.



The decision is significant also for what it said about the past. The leading opinion described the majority view in *ADM Jabalpur v. Shivkant Shukla* (1976), which had denied the right to approach courts for enforcing personal liberty during the Emergency, as seriously flawed. The judgment thus reaffirmed that fundamental rights are not gifts of the State but inhere in every individual.

Based on *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017)

**11. Why was the privacy question referred to a bench of nine judges?**

- (A) Because M.P. Sharma and Kharak Singh, relied on to deny privacy, were decided by benches of eight and six judges, larger than the later benches recognising privacy.
- (B) Because the Aadhaar scheme could be examined only by a bench of nine judges under Article 145(3).
- (C) Because every question involving Article 21 must be decided by at least nine judges.
- (D) Because the Union agreed to be bound only by a decision of nine judges.

**12. Which of the following is NOT one of the three requirements for a valid intrusion into privacy described in the passage?**

- (A) A law authorising the intrusion
- (B) A legitimate state aim pursued by the law
- (C) Prior approval of the intrusion by a judicial magistrate
- (D) Proportionality between the means adopted and the object

**13. In the separate Aadhaar challenge decided in 2018, the five-judge bench upheld the Aadhaar scheme by a majority of:**

- (A) 5:0, unanimously
- (B) 3:2, with Chief Justice Dipak Misra dissenting
- (C) 4:1, with Justice D.Y. Chandrachud dissenting
- (D) 4:1, with Justice A.K. Sikri dissenting

**14. A State department orders all its employees to install a phone application that continuously tracks their location, even outside working hours. No statute authorises this. Applying the passage, the order is most likely:**

- (A) valid, because privacy is not a fundamental right of government employees
- (B) unconstitutional, because it fails the first requirement that a law must authorise the intrusion
- (C) valid, because privacy protects only against physical searches of the home
- (D) unconstitutional only because location data is not personal information

**15. Which of the following dimensions of privacy is recognised in the passage?**

- (A) An absolute immunity from all collection of data by the State
- (B) A right available only to citizens who own property
- (C) Decisional autonomy over intimate choices such as marriage and procreation
- (D) A right limited to protection against searches of the home



## Dignity, Autonomy and Constitutional Morality

Section 377 of the Indian Penal Code, a colonial provision of 1860, punished "carnal intercourse against the order of nature" with imprisonment that could extend to life. In practice it was used to criminalise consensual sexual relations between adults of the same sex. In *Naz Foundation v. Government of NCT of Delhi* (2009), the Delhi High Court read down the provision so as to exclude consensual acts between adults in private. In *Suresh Kumar Koushal v. Naz Foundation* (2013), however, a two-judge bench of the Supreme Court reversed the High Court, observing that only a minuscule fraction of the population was affected and that it was for Parliament to change the law.

Navtej Singh Johar, a dancer, along with others, challenged Section 377 afresh. On 6 September 2018, a five-judge Constitution Bench unanimously held that Section 377, in so far as it criminalised consensual sexual conduct between adults, was unconstitutional. Koushal was overruled. The provision continued to apply to non-consensual acts, acts involving minors and bestiality.

The judges, in four separate but concurring opinions, relied on several strands of reasoning. First, the provision violated Article 14 because it was manifestly arbitrary in targeting people on the basis of an innate characteristic. Second, discrimination on the basis of sexual orientation was held to amount to discrimination on the ground of sex under Article 15. Third, the law offended the rights to dignity, autonomy and privacy under Article 21, building on the recognition of sexual orientation as an aspect of privacy in *Puttaswamy*. Fourth, it had a chilling effect on the freedom of expression under Article 19(1)(a).

A central theme of the judgment was the distinction between constitutional morality and popular or societal morality. The Court held that the protection of fundamental rights cannot depend on majoritarian views, and that the smallness of a group affected by a law is no reason to deny it constitutional protection. The judges also rejected the view that the Court must wait for Parliament, since the enforcement of fundamental rights is the duty of the judiciary.

The decision drew on the earlier recognition of the rights of transgender persons in *NALSA v. Union of India* (2014) and was soon followed by other judgments emphasising individual autonomy, such as *Joseph Shine v. Union of India* (2018), which struck down the offence of adultery. Justice Indu Malhotra remarked that history owed an apology to members of the community for the ostracism they had faced.

Based on *Navtej Singh Johar v. Union of India* (2018)

**16. According to the passage, on what ground did Suresh Kumar Koushal reverse the Delhi High Court in *Naz Foundation*?**

- (A) That Section 377 was protected from challenge by Article 31C
- (B) That the High Court lacked jurisdiction under Article 226 to examine a central law
- (C) That sexual orientation is expressly excluded from Article 15
- (D) That only a minuscule fraction of the population was affected and it was for Parliament to change the law

**17. After *Navtej Singh Johar*, Section 377 IPC continued to apply to:**

- (A) all sexual acts between persons of the same sex, whether or not consensual
- (B) non-consensual sexual acts, acts involving minors and bestiality
- (C) consensual acts between adults of the same sex in private
- (D) consensual acts between adults where one of them is a foreign national



- 18.** A municipal corporation refuses a trade licence to a café solely because its owner is gay, citing the moral views of most residents. Applying the reasoning in the passage, the strongest objection to the refusal is that:
- (A) fundamental rights are governed by constitutional, not majoritarian, morality, and discrimination on sexual orientation is discrimination on the ground of sex
  - (B) a trade licence is a property right protected under Article 300A
  - (C) the refusal can be challenged only if Parliament has enacted an anti-discrimination statute
  - (D) Navtej Singh Johar applies only to criminal statutes and not to administrative action
- 
- 19.** *Joseph Shine v. Union of India (2018)*, referred to in the passage, struck down which provision of the Indian Penal Code?
- (A) Section 498A, which punished cruelty by a husband or his relatives
  - (B) Section 497, which made adultery an offence
  - (C) Section 309, which punished attempt to commit suicide
  - (D) Section 124A, which punished sedition
- 
- 20.** Consider the following statements: I. Navtej Singh Johar was decided by a majority of four to one. II. Navtej Singh Johar held that the small size of a group affected by a law is a reason for courts to defer to Parliament. Which of the statements is/are correct?
- (A) Only I
  - (B) Only II
  - (C) Neither I nor II
  - (D) Both I and II

#### PASSAGE 5 · CONSTITUTIONAL LAW

### Mandal, the Creamy Layer and the Ceiling

The Second Backward Classes Commission, chaired by B.P. Mandal, submitted its report in 1980, recommending reservation of 27 per cent of posts in central government services for the socially and educationally backward classes. The recommendation was implemented only in August 1990, when the Union Government issued an Office Memorandum reserving 27 per cent of vacancies for such classes. In September 1991, a later Government modified the scheme by giving preference to the poorer sections among the backward classes and by reserving a further 10 per cent of posts for economically backward sections not covered by any existing scheme. Both memoranda were challenged.

A nine-judge bench delivered its judgment in November 1992. By a majority of six to three, the Court upheld the 27 per cent reservation. Justice B.P. Jeevan Reddy, who wrote the leading majority opinion, held that a backward class of citizens under Article 16(4) can be identified on the basis of caste, since caste can itself be a social class in India, though other criteria may also be used. Article 16(4) was held to be not an exception to Article 16(1) but an instance of the equality of opportunity that clause (1) guarantees.

The Court, however, imposed significant limits. First, the socially advanced persons among the backward classes, the so-called creamy layer, must be excluded so that the benefit reaches those who truly need it. Secondly, reservations should not ordinarily exceed 50 per cent of appointments, save in extraordinary situations such as those of far-flung and remote areas. Thirdly, the 10 per cent reservation based purely on economic criteria was struck down, because an economic criterion alone could not identify a backward class



under Article 16(4). Fourthly, Article 16(4) did not permit reservation in promotions; this part of the ruling was made prospective, allowing existing reservations in promotion to continue for five years.

The Court also directed the Union and the States to constitute permanent bodies to examine requests for inclusion in and exclusion from the lists of backward classes. The National Commission for Backward Classes was established soon afterwards.

The judgment has shaped Indian reservation law ever since. Parliament responded to the ruling on promotions by inserting Article 16(4A) through the Seventy-seventh Amendment in 1995. The 50 per cent ceiling and the creamy-layer principle remain constant reference points in later litigation on reservations.

Based on *Indra Sawhney v. Union of India* (1992)

- 21. Which of the following was NOT a limit imposed by the majority in *Indra Sawhney*, as described in the passage?**
- (A) The creamy layer must be excluded from the backward classes
  - (B) Reservations should not ordinarily exceed 50 per cent of appointments
  - (C) Caste cannot be used at all to identify a backward class
  - (D) Article 16(4) does not permit reservation in promotions
- 
- 22. According to the passage, why was the additional 10 per cent reservation struck down?**
- (A) Because it took the total reservation above the 50 per cent ceiling
  - (B) Because an economic criterion alone cannot identify a backward class under Article 16(4)
  - (C) Because it was made by an Office Memorandum rather than by a statute
  - (D) Because it applied to promotions as well as initial appointments
- 
- 23. The reservation of up to 10 per cent for economically weaker sections introduced by the Constitution (One Hundred and Third Amendment) Act, 2019 was upheld in:**
- (A) *Janhit Abhiyan v. Union of India* (2022)
  - (B) *M. Nagaraj v. Union of India* (2006)
  - (C) *Jarnail Singh v. Lachhmi Narain Gupta* (2018)
  - (D) *Ashoka Kumar Thakur v. Union of India* (2008)
- 
- 24. A State reserves posts for backward classes and extends the benefit to every member of the listed castes, including children of senior civil servants and large business owners. Applying *Indra Sawhney*:**
- (A) the scheme is valid because caste alone is a conclusive criterion for all members
  - (B) the scheme is invalid because a State cannot reserve posts for backward classes at all
  - (C) the scheme is valid because Article 16(4) is an exception that overrides Article 16(1)
  - (D) the scheme is flawed because the creamy layer must be excluded



- 25. Assertion (A): Parliament inserted Article 16(4A) by the Seventy-seventh Amendment in 1995.**  
**Reason (R): Indra Sawhney had held that Article 16(4) did not permit reservation in promotions.**
- (A) Both A and R are true, but R is not the correct explanation of A  
 (B) Both A and R are true, and R is the correct explanation of A  
 (C) A is true but R is false  
 (D) A is false but R is true

#### PASSAGE 6 · CONSTITUTIONAL LAW

### Article 356 and the Floor Test

In April 1989, the Governor of Karnataka reported to the President that the government headed by Chief Minister S.R. Bommai had lost its majority following defections, and recommended action under Article 356. Although the Chief Minister offered to prove his majority on the floor of the Assembly, he was not given that opportunity. President's Rule was imposed and the Assembly dissolved. Similar proclamations had been issued in other States, and after the demolition of the Babri Masjid in December 1992, the governments of Madhya Pradesh, Rajasthan and Himachal Pradesh were also dismissed. The resulting batch of cases was decided by a nine-judge bench in March 1994.

The first issue was whether the President's satisfaction under Article 356 is open to judicial review. The Court held that it is, though within limits. The Court would not examine the sufficiency or adequacy of the material before the President, but it could inquire whether there was any relevant material at all, and whether the power was exercised mala fide or on wholly extraneous grounds. Article 74(2), which bars courts from inquiring into the advice tendered by Ministers to the President, did not prevent the Court from examining the material on which that advice was based.

The second issue concerned the test of majority. The Court held that the proper forum for determining whether a ministry enjoys the confidence of the House is the floor of the Assembly, not the Governor's subjective assessment. The dismissal of the Bommai government without a floor test was therefore held unconstitutional.

Thirdly, the Court laid down safeguards. Since Article 356(3) requires the proclamation to be approved by both Houses of Parliament, the Legislative Assembly should not be dissolved before such approval; until then it may only be kept in suspended animation. If the proclamation is invalidated, the Court may restore the dismissed government and revive the Assembly.

Finally, the Court declared that secularism is a basic feature of the Constitution. On that basis, the dismissal of the three governments after December 1992 was upheld, since a State government that acts against secular principles cannot be said to be carried on in accordance with the Constitution.

The judgment greatly reduced the misuse of Article 356, which had frequently been invoked to dismiss State governments for political reasons. It is regarded as a cornerstone of Indian federalism.

Based on S.R. Bommai v. Union of India (1994)



- 26. According to the passage, what is the scope of judicial review of a proclamation under Article 356?**
- (A) The Court may review the proclamation fully on the merits and substitute its own view.
  - (B) The proclamation is wholly immune from review because of Article 74(2).
  - (C) The Court may examine whether relevant material existed and whether the power was used mala fide, but not the sufficiency of the material.
  - (D) The Court may examine only whether Parliament approved the proclamation within time.
- 
- 27. Under the Bommai framework, until both Houses of Parliament approve the proclamation, the State Legislative Assembly:**
- (A) must be dissolved immediately upon the proclamation
  - (B) continues to function normally with the dismissed ministry in office
  - (C) may be dissolved by the Governor at his discretion
  - (D) may only be kept in suspended animation and should not be dissolved
- 
- 28. A Governor receives letters from several MLAs withdrawing support and recommends President's Rule without letting the Chief Minister face the Assembly, although the Chief Minister claims a majority. Applying Bommai, the recommendation is:**
- (A) flawed, because the majority of a ministry must be tested on the floor of the House
  - (B) valid, because letters from MLAs are conclusive proof of loss of majority
  - (C) beyond judicial review because of Article 74(2)
  - (D) valid so long as Parliament approves the proclamation within one year
- 
- 29. Which constitutional amendment omitted the clause, inserted during the Emergency, that made the President's satisfaction under Article 356 final and beyond challenge in any court?**
- (A) The Forty-second Amendment, 1976
  - (B) The Twenty-fourth Amendment, 1971
  - (C) The Forty-fourth Amendment, 1978
  - (D) The Seventy-third Amendment, 1992
- 
- 30. Consider the following statements about Bommai: I. The Court held that Article 74(2) bars courts from looking at the material on which ministerial advice was based. II. The Court upheld the dismissal of the three State governments after December 1992 on the ground of secularism. Which of the statements is/are correct?**
- (A) Only I
  - (B) Both I and II
  - (C) Only II
  - (D) Neither I nor II

**PASSAGE 7 · CONSTITUTIONAL LAW**

**Fundamental Rights and the Amending Power**

The Golak Nath family held a large agricultural estate in Punjab. Under the Punjab Security of Land Tenures Act, 1953, a substantial part of this land was declared surplus. The family challenged the Act as violating their



fundamental rights to acquire and hold property and to practise any profession. The difficulty was that the Act had been placed in the Ninth Schedule by the Constitution (Seventeenth Amendment) Act, 1964, so the petitioners had to challenge the amendment itself. Earlier, in *Sankari Prasad* (1951) and *Sajjan Singh* (1965), the Supreme Court had upheld Parliament's power to amend any part of the Constitution, including the fundamental rights.

An eleven-judge bench decided the matter on 27 February 1967 and held, by a majority of six to five, that Parliament had no power to amend Part III so as to take away or abridge the fundamental rights. Chief Justice K. Subba Rao, writing for himself and four other judges, reasoned that Article 368 laid down only the procedure for amendment, while the power itself came from the residuary legislative power of Parliament. An amendment was therefore "law" within the meaning of Article 13(2), and any amendment that took away or abridged fundamental rights would be void. Justice Hidayatullah concurred in the result for his own reasons.

The majority faced a practical problem. If its reasoning were applied retrospectively, the First, Fourth and Seventeenth Amendments, together with the vast body of agrarian legislation protected by them, would be invalid, unsettling property arrangements across the country. To avoid this, Subba Rao CJ invoked the American doctrine of prospective overruling. The decision would operate only for the future: past amendments would remain valid, but from the date of the decision Parliament would have no power to abridge fundamental rights. The Court said that this doctrine could be applied only by the Supreme Court and only in matters arising under the Constitution.

The judgment provoked a strong political response. Parliament enacted the Twenty-fourth Amendment in 1971, which inserted Article 13(4) and clarified in Article 368 that Parliament amends the Constitution in exercise of its constituent power and that nothing in Article 13 applies to such amendments.

In *Kesavananda Bharati* (1973), the Supreme Court overruled *Golak Nath* and upheld the Twenty-fourth Amendment, replacing the bar on abridging fundamental rights with the subtler limit of the basic structure. *Golak Nath* nonetheless remains important as the first decision to assert that the amending power is not unlimited, and as the origin of prospective overruling in Indian law.

Based on *I.C. Golak Nath v. State of Punjab* (1967)

**31. According to the majority in *Golak Nath*, from where did Parliament derive its power to amend the Constitution?**

- (A) From its residuary legislative power, with Article 368 prescribing only the procedure
- (B) From Article 368, which conferred a distinct constituent power
- (C) From the Preamble, read with Article 13(1)
- (D) From Article 13(4), which excluded amendments from Article 13

**32. Why did the Court resort to the doctrine of prospective overruling in *Golak Nath*?**

- (A) Because Article 142 requires every constitutional ruling to operate only for the future
- (B) Because the petitioners had asked only for relief in respect of future acquisitions
- (C) Because the Court held the Seventeenth Amendment valid on its merits
- (D) To avoid invalidating the First, Fourth and Seventeenth Amendments and the agrarian laws protected by them



- 33. Which of the following statements about the Constitution (Twenty-fourth Amendment) Act, 1971 is correct?**
- (A) It inserted Article 13(4), providing that nothing in Article 13 applies to an amendment made under Article 368.
  - (B) It inserted Article 31C to protect laws implementing certain directive principles.
  - (C) It deleted the right to property from Part III.
  - (D) It added the words socialist and secular to the Preamble.
- 
- 34. Suppose that in 1969 Parliament had passed an amendment abridging the freedom of speech under Article 19(1)(a). Under the ruling in Golak Nath as described, the amendment would be:**
- (A) valid, because prospective overruling saved every amendment of the Constitution
  - (B) void, because from the date of the decision Parliament had no power to abridge fundamental rights
  - (C) valid, because the Golak Nath ruling applied only to the right to property
  - (D) void only if it had not been ratified by half the States
- 
- 35. Which of the following is NOT correct about Golak Nath as described in the passage?**
- (A) It was decided unanimously by an eleven-judge bench.
  - (B) Justice Hidayatullah concurred in the result for his own reasons.
  - (C) It held that prospective overruling could be applied only by the Supreme Court in constitutional matters.
  - (D) It treated a constitutional amendment as law under Article 13(2).

**PASSAGE 8 · CONSTITUTIONAL LAW**

**Balancing Parts III and IV**

Minerva Mills, a textile undertaking in Bangalore, was taken over by the Central Government under the Sick Textile Undertakings (Nationalisation) Act, 1974. Because the Act had been placed in the Ninth Schedule, the owners' real target became the Constitution (Forty-second Amendment) Act, 1976. Enacted during the Emergency, that Amendment had made sweeping changes. Section 4 amended Article 31C so that a law giving effect to any of the directive principles in Part IV, and not merely those in Article 39(b) and (c), would be immune from challenge under Articles 14 and 19. Section 55 inserted clauses (4) and (5) into Article 368, declaring that no constitutional amendment could be questioned in any court on any ground, and that there was no limitation whatever on Parliament's constituent power.

A five-judge Constitution Bench decided the case on 31 July 1980. Chief Justice Y.V. Chandrachud, speaking for the majority, struck down both provisions. On Section 55, the Court reasoned that since Parliament's amending power is limited, as held in *Kesavananda Bharati*, Parliament cannot by amendment convert that limited power into an unlimited one. A limited amending power is itself a basic feature of the Constitution. Clause (4) also offended the basic structure because it removed judicial review, which is essential to the rule of law.

On Section 4, the Court held that the Constitution rests on a balance between Part III and Part IV. Directive principles lay down the goals of the State, while fundamental rights prescribe the means of reaching them. To give every directive principle absolute primacy over Articles 14 and 19 would destroy this balance, and harmony between fundamental rights and directive principles is itself part of the basic structure.



Justice P.N. Bhagwati agreed that Section 55 was invalid but dissented on Section 4. In his view, the amended Article 31C was valid because the directive principles are fundamental in the governance of the country and laws implementing them would ordinarily be reasonable.

As a result, Article 31C was generally understood to survive in its pre-1976 form, the form upheld in Kesavananda Bharati, protecting only laws giving effect to Article 39(b) and (c). Minerva Mills consolidated the basic structure doctrine at a time when it was under sustained political attack, and confirmed that the judiciary would not permit Parliament to place itself beyond constitutional limits.

Based on Minerva Mills Ltd. v. Union of India (1980)

**36. What reason did the Court give for striking down clause (5) of Article 368, inserted by Section 55?**

- (A) Parliament cannot use its limited amending power to confer an unlimited power upon itself.
- (B) Clause (5) had not been ratified by half the State legislatures.
- (C) Clause (5) was inconsistent with the amended Article 31C.
- (D) Every amendment enacted during the Emergency was void from the start.

**37. On which point did Justice P.N. Bhagwati dissent in Minerva Mills?**

- (A) He upheld Section 55, while agreeing that Section 4 was invalid.
- (B) He upheld both Section 4 and Section 55.
- (C) He held that the Sick Textile Undertakings Act was outside the Ninth Schedule.
- (D) He upheld the amended Article 31C under Section 4, while agreeing that Section 55 was invalid.

**38. Which of the following was NOT a change made by the Forty-second Amendment, as described in the passage?**

- (A) Extending Article 31C to laws giving effect to any directive principle
- (B) The insertion of Article 13(4)
- (C) Inserting clause (4) into Article 368 to bar challenges to amendments
- (D) Inserting clause (5) into Article 368 declaring the constituent power unlimited

**39. Article 37 of the Constitution provides that the directive principles of state policy:**

- (A) shall not be enforceable by any court, but are nevertheless fundamental in the governance of the country
- (B) are enforceable through writs under Article 32 like fundamental rights
- (C) prevail over all fundamental rights in case of conflict
- (D) bind only the Union Government and not the States

**40. A future amendment provides that no law giving effect to any directive principle shall be called in question on the ground that it violates Article 14 or Article 19. Applying Minerva Mills, the amendment is most likely:**

- (A) valid, because Parliament's power to amend Article 31C is unlimited
- (B) valid, because clause (4) of Article 368 bars any judicial challenge
- (C) invalid only if it also affects Article 21
- (D) invalid, because it destroys the harmony between fundamental rights and directive principles



**PASSAGE 9 · JURISPRUDENCE**

## Law as the Command of the Sovereign

John Austin, who became the first professor of jurisprudence at the newly founded University of London, published *The Province of Jurisprudence Determined* in 1832. Influenced by Jeremy Bentham, Austin sought to separate the study of law as it is from the question of what law ought to be. The existence of law, he insisted, is one thing; its merit or demerit is another. This separation became the hallmark of analytical positivism.

For Austin, law properly so called is a species of command. A command is an expression of a wish by one person that another should do or refrain from doing something, coupled with the power and purpose to inflict an evil, called a sanction, if the wish is disregarded. The person to whom the command is addressed is under a duty to obey. Command, duty and sanction are thus inseparably connected: each signifies the same notion viewed from a different angle.

Not every command, however, is positive law. Positive law consists of commands set by a sovereign to members of an independent political society. Austin defined the sovereign as a determinate human superior who receives habitual obedience from the bulk of a given society and who is not in a habit of obedience to any other superior. The sovereign's power is legally illimitable, since a sovereign bound by law would be subject to a higher sovereign.

Austin distinguished law properly so called from laws improperly so called. Rules of positive morality, such as the rules of etiquette and what is called international law, are not positive law because they are not set by a determinate sovereign; they are enforced merely by general opinion. Laws by metaphor, such as the laws of physics, are not commands at all.

The theory has attracted extensive criticism. H.L.A. Hart argued that it failed to explain power-conferring rules, such as those enabling people to make contracts or wills, which impose no sanctions. Customary law, which grows from usage rather than command, fits uneasily into the model. The idea of an illimitable sovereign cannot easily account for constitutional systems such as India's, where the legislature is limited by a written constitution and by judicial review. Sir Henry Maine pointed to the Punjab under Maharaja Ranjit Singh, an absolute ruler who nevertheless never altered the customary rules by which his subjects lived. Despite these weaknesses, Austin's clarity of analysis made the command theory a necessary starting point for modern jurisprudence.

Based on John Austin, *The Province of Jurisprudence Determined* (1832)

**41. According to Austin, which of the following is law properly so called?**

- (A) The rules of etiquette observed at a formal dinner
- (B) A statute enacted by the sovereign of an independent political society and backed by a penalty
- (C) The rules of international law governing relations between States
- (D) Newton's law of gravitation

**42. Which of the following is NOT an attribute of the Austinian sovereign as described in the passage?**

- (A) It is a determinate human superior
- (B) It receives habitual obedience from the bulk of the society
- (C) It is not in a habit of obedience to any other superior
- (D) It is bound by a written constitution that limits its power



- 43. Hart's criticism that the command theory cannot explain power-conferring rules refers to rules that:**
- (A) enable individuals to create legal relations, such as contracts or wills, without imposing any sanction
  - (B) impose criminal penalties for disobedience
  - (C) are made by international organisations for States
  - (D) grow out of long-standing usage rather than enactment
- 
- 44. Sir Henry Maine's example of Maharaja Ranjit Singh is used in the passage to show that:**
- (A) an absolute ruler's every command is law properly so called
  - (B) the sovereign must always be a body of persons rather than one individual
  - (C) international law is binding on absolute monarchs
  - (D) even under an absolute ruler, subjects may live by customary rules that the ruler never commands, which weakens the command model
- 
- 45. Which jurist's Pure Theory of Law located the validity of legal norms in a basic norm (Grundnorm) rather than in the command of a sovereign?**
- (A) Jeremy Bentham
  - (B) Friedrich Carl von Savigny
  - (C) Hans Kelsen
  - (D) Sir Henry Maine

**PASSAGE 10 · JURISPRUDENCE**

**The Union of Primary and Secondary Rules**

H.L.A. Hart's *The Concept of Law*, published in 1961, set out to explain what distinguishes a legal system from orders backed by threats, from morality and from mere habits. Hart began by criticising John Austin. If a gunman orders a bank clerk to hand over money, the clerk may be obliged to comply, but he has no obligation to do so. Law, Hart argued, cannot be understood as the gunman situation writ large, because legal obligation depends on the existence of rules, not merely on the likelihood of punishment.

Central to Hart's account is the internal aspect of rules. An observer who records only regularities of behaviour adopts the external point of view: he can predict that motorists usually stop at a red light. A participant who accepts the rule adopts the internal point of view: he treats the rule as a standard for his own conduct and as a ground for criticising those who deviate. Social rules, unlike habits, exist because members of the group take this critical reflective attitude towards them.

Hart then described law as the union of primary and secondary rules. Primary rules impose duties, requiring people to do or abstain from certain actions. A society living only by primary rules would suffer from three defects. Its rules would be uncertain, since there would be no authoritative way to identify them; static, since there would be no deliberate means of changing them; and inefficient, since there would be no agency to determine conclusively when a rule had been broken.

Each defect is cured by a type of secondary rule. The rule of recognition remedies uncertainty by specifying the criteria by which valid rules of the system are identified. Rules of change remedy the static quality by empowering persons or bodies to introduce new rules and repeal old ones. Rules of adjudication remedy inefficiency by empowering officials to make authoritative determinations of breach. The rule of recognition is



the ultimate rule of the system; its existence is a matter of fact, shown in the practice of courts and officials who accept it from the internal point of view.

Hart also observed that legal rules have an open texture: words have a core of settled meaning but also a penumbra of uncertainty, where judges must exercise discretion. This claim was later challenged by Ronald Dworkin, who argued that law includes principles as well as rules, so that judges are not free to legislate in hard cases. Hart's theory nonetheless remains the most influential statement of modern legal positivism.

Based on H.L.A. Hart, The Concept of Law (1961)

**46. In Hart's gunman example, the bank clerk:**

- (A) has a legal obligation to hand over the money because a sanction is threatened
- (B) is obliged to hand over the money but has no obligation to do so
- (C) has a moral obligation to obey the gunman
- (D) is under a legal duty because the gunman is a determinate superior

**47. According to Hart, the defect of uncertainty in a regime of primary rules alone is cured by:**

- (A) rules of change
- (B) the rule of recognition
- (C) rules of adjudication
- (D) further primary rules of obligation

**48. In a village governed only by customary rules, the elders are given authority to announce that from next season grazing on the common land will be limited to three days a week, replacing the old custom. In Hart's terms, the authority to make such an announcement is conferred by:**

- (A) a rule of adjudication
- (B) a rule of recognition
- (C) a primary rule of obligation
- (D) a rule of change

**49. Which of the following best describes the internal point of view, as explained in the passage?**

- (A) Predicting behaviour from observed regularities without accepting the rule
- (B) Accepting a rule as a standard for one's own conduct and as a ground for criticising deviation
- (C) Obeying a rule solely out of fear of the sanction attached to it
- (D) Viewing the law only from within a court of law

**50. The well-known 1958 exchange in the Harvard Law Review on the separation of law and morals took place between Hart and:**

- (A) Lon L. Fuller
- (B) Ronald Dworkin
- (C) Hans Kelsen
- (D) Joseph Raz



## Natural Justice in Administrative Action

Under regulations framed for the initial recruitment of the newly formed Indian Forest Service, a Special Selection Board was constituted to select officers from the forest service of Jammu and Kashmir. One of the members of the Board was N.A. Naqishbund, the acting Chief Conservator of Forests of the State.

Naqishbund was himself a candidate for selection. When his own name came up, he withdrew from the meeting and did not participate in the deliberations about his case. He did, however, take part in assessing the claims of other candidates, including officers who were his rivals for the same post. Naqishbund was selected, while several of those officers were not. The unsuccessful officers challenged the selection before the Supreme Court.

The Government argued that the Board performed a purely administrative function, and that the rules of natural justice, including the rule against bias, applied only to judicial or quasi-judicial bodies. The Supreme Court, in a judgment delivered by Justice K.S. Hegde, rejected this argument.

The Court observed that the dividing line between an administrative power and a quasi-judicial power is quite thin and is being gradually obliterated. Whether a power is of one kind or the other depends on the nature of the power conferred, the person on whom it is conferred, the framework of the law and the consequences of its exercise. More importantly, the aim of the rules of natural justice is to secure justice, or, put negatively, to prevent miscarriage of justice. An unjust decision in an administrative inquiry may have more far-reaching effects than a decision in a quasi-judicial inquiry. Hence there was no reason why the rules of natural justice should not apply to administrative inquiries as well.

Applying the rule against bias, the Court held that the question was not whether Naqishbund had actually been biased, but whether there was a reasonable likelihood of bias. A person cannot be a judge in his own cause, and Naqishbund's interest in the outcome was obvious. His withdrawal while his own case was considered was not enough, because the assessment of his rivals was intimately connected with his own selection. Further, as the senior forest officer, his views would naturally have carried great weight with the other members. The selection was therefore quashed.

Kraipak is regarded as a landmark in Indian administrative law. Along with later decisions such as Maneka Gandhi, it extended the reach of natural justice to administrative action, making fairness the touchstone of state action affecting individual rights.

Based on A.K. Kraipak v. Union of India (1969)

**51. Why was Naqishbund's withdrawal, while his own case was being considered, held to be insufficient?**

- (A) Because members of a selection board must give written notice before withdrawing
- (B) Because the Board was a court bound by the Code of Civil Procedure
- (C) Because he had been shown to be actually biased against each rival
- (D) Because the assessment of his rivals was intimately connected with his own selection

**52. According to the passage, the test applied by the Court to the rule against bias was whether there was:**

- (A) proof of actual bias in the member's mind
- (B) a direct pecuniary interest of the member in the outcome
- (C) proof that the result would have been different without the member
- (D) a reasonable likelihood of bias



- 53.** Consider the following statements about *Kraipak*: I. The Court held that the rules of natural justice apply to administrative inquiries. II. The Court held that the distinction between administrative and quasi-judicial powers had been abolished by statute. Which of the statements is/are correct?
- (A) Only II  
(B) Only I  
(C) Both I and II  
(D) Neither I nor II
- 
- 54.** The rule against bias applied in *Kraipak* is expressed by the maxim:
- (A) *audi alteram partem*  
(B) *ubi jus ibi remedium*  
(C) *nemo judex in causa sua*  
(D) *res ipsa loquitur*
- 
- 55.** Which earlier decision of the Supreme Court held that even an administrative order determining the date of birth of a government servant, which entails civil consequences, must be made in conformity with natural justice?
- (A) *ADM Jabalpur v. Shivkant Shukla* (1976)  
(B) *Union of India v. Tulsiram Patel* (1985)  
(C) *A.K. Gopalan v. State of Madras* (1950)  
(D) *State of Orissa v. Dr. (Miss) Binapani Dei* (1967)

#### PASSAGE 12 · LAW OF CONTRACT

### The Minor's Agreement

Dharmodas Ghose, a minor, was the owner of certain immovable property in Calcutta. In 1895, he executed a mortgage of the property in favour of Brahmo Dutt, a moneylender, to secure a loan of twenty thousand rupees. At the time of the transaction, the attorney who acted for the moneylender had notice that Dharmodas was a minor. Soon afterwards, Dharmodas, suing through his mother as his next friend, sought a declaration that the mortgage was void and asked for it to be cancelled. Brahmo Dutt died during the proceedings, and the appeal was carried to the Privy Council by his executrix, Mohori Bibee.

The Privy Council, in 1903, affirmed the decisions of the Indian courts. The central question was the effect of a minor's contract under the Indian Contract Act, 1872. Section 10 provides that agreements are contracts if they are made by parties competent to contract, and Section 11 declares that a person is competent to contract if he has attained the age of majority according to the law to which he is subject. Reading these provisions together, the Board held that a contract by a minor is not merely voidable but void.

The appellant argued that the mortgage should not be cancelled unless the minor repaid the money advanced, relying on Sections 64 and 65 of the Contract Act. Section 64 requires a party rescinding a voidable contract to restore any benefit received, and Section 65 requires restitution when an agreement is discovered to be void or a contract becomes void. The Board rejected both arguments: Section 64 applied only to voidable contracts, and Section 65 started from the basis of an agreement or contract made between competent parties, which was absent here.



The appellant also invoked estoppel, contending that the minor had misrepresented his age. The Board held that estoppel had no application, because the lender's agent knew the true facts and was not misled. Finally, the Board declined to order repayment as a condition of relief under the Specific Relief Act, 1877, which gave the court a discretion when cancelling instruments; where the lender had acted with full knowledge, justice did not require such an order.

Mohori Bibee settled the rule that a minor's agreement is void ab initio in Indian law. Because a void agreement cannot be ratified, a minor cannot, on attaining majority, ratify an agreement made during minority. The rule is designed to protect minors from exploitation, even at some cost to those who deal with them.

Based on Mohori Bibee v. Dharmodas Ghose (1903)

**56. According to the Privy Council in Mohori Bibee, an agreement entered into by a minor is:**

- (A) voidable at the option of the minor
- (B) valid but unenforceable against the minor during minority
- (C) void ab initio
- (D) valid once the minor ratifies it on attaining majority

**57. Why did the Privy Council hold that Section 65 of the Contract Act did not apply?**

- (A) Because the minor had not received any part of the money
- (B) Because Section 65 presupposes an agreement between competent parties, which did not exist
- (C) Because Section 65 applies only to voidable contracts
- (D) Because the moneylender had died before the suit was decided

**58. Why did the plea of estoppel fail in Mohori Bibee?**

- (A) Because estoppel can never apply to transactions concerning immovable property
- (B) Because Dharmodas had produced his birth certificate before the mortgage
- (C) Because the lender's agent knew that Dharmodas was a minor and was not misled
- (D) Because estoppel is available only in criminal proceedings

**59. A, aged 16, borrows Rs. 50,000 from B on a promissory note. On turning 18, A writes to B ratifying the loan. B sues A on the note. Applying the passage:**

- (A) B fails, because a minor's agreement is void and cannot be ratified on attaining majority
- (B) B succeeds, because the ratification relates back to the date of the loan
- (C) B succeeds, because A is estopped by the letter of ratification
- (D) B succeeds for half the amount under Section 64 of the Contract Act

**60. Under Section 68 of the Indian Contract Act, 1872, a person who supplies a minor with necessities suited to the minor's condition in life:**

- (A) may hold the minor personally liable for the price
- (B) is entitled to be reimbursed from the property of the minor
- (C) can recover nothing because the agreement is void
- (D) may recover the price personally from the minor's guardian



PASSAGE 13 · LAW OF CONTRACT

## The Smoke Ball and the General Offer

In the winter of 1889 to 1890 an influenza epidemic swept across England. The Carbolic Smoke Ball Company, which made a device through which a user inhaled carbolic acid vapour, placed advertisements in newspapers promising to pay £100 to any person who contracted influenza after using the ball three times daily for two weeks according to the printed directions. The advertisement added that £1,000 had been deposited with the Alliance Bank to show the company's sincerity in the matter.

Mrs Louisa Carlill bought a smoke ball, used it as directed, and nevertheless caught influenza. When the company refused to pay, she sued. The company raised several defences. It argued that the advertisement was a mere puff not intended to create legal relations; that a contract could not be made with the whole world; that Mrs Carlill had never communicated her acceptance; that there was no consideration; and that the terms were too vague to be enforced.

The Court of Appeal, consisting of Lindley, Bowen and A.L. Smith LJ, rejected every argument and held the company liable. The reference to the bank deposit showed that the promise was meant seriously and was not a mere puff. The advertisement was not an offer to contract with the whole world at once, but an offer made to anyone who performed the stated conditions; a contract arose with each person who did so. Such an offer, often called a general offer, creates what is now known as a unilateral contract.

On communication of acceptance, Bowen LJ explained that although acceptance must ordinarily be notified, the offeror may expressly or impliedly dispense with notice. In an offer of this kind, the person making it impliedly indicates that he does not require notification of acceptance before performance; performance of the condition is sufficient acceptance. As to consideration, the court found it in the inconvenience to the user of inhaling the smoke ball as prescribed, and also in the benefit to the company from increased sales. The terms were construed reasonably and were not too vague to enforce.

The principle has a clear counterpart in Indian law. Section 8 of the Indian Contract Act, 1872 provides that performance of the conditions of a proposal is an acceptance of the proposal. In *Lalman Shukla v. Gauri Dutt* (1913), however, the Allahabad High Court held that a servant who traced his master's missing nephew could not claim the reward that had been announced, because he did not know of it when he did the act; there can be no acceptance without knowledge of the offer. Carlill thus remains the classic illustration of how an advertisement can ripen into a binding promise when its conditions are performed.

Based on *Carlill v. Carbolic Smoke Ball Co.* [1893] 1 QB 256

**61. What role did the £1,000 deposit with the Alliance Bank play in the court's reasoning?**

- (A) It was the consideration furnished by Mrs Carlill.
- (B) It showed that the promise was meant seriously and was not a mere advertising puff.
- (C) It turned the arrangement into a contract of insurance.
- (D) It limited the company's total liability to £1,000.



- 62. According to Bowen LJ, why was Mrs Carlill not required to notify her acceptance?**
- (A) Because English law never requires acceptance to be communicated
  - (B) Because the company already knew her through the bank
  - (C) Because in such an offer the offeror impliedly dispenses with notice, and performance of the condition is sufficient acceptance
  - (D) Because acceptance by post is complete when the letter is posted
- 
- 63. A puts up a notice offering Rs. 10,000 to anyone who returns his lost dog. B, who has never seen the notice, finds the dog and returns it, and only later learns of the reward. Applying the Indian position described in the passage:**
- (A) B can claim the reward, because performance of the conditions is acceptance under Section 8
  - (B) B cannot claim the reward, because there can be no acceptance without knowledge of the offer
  - (C) B can claim half the reward on grounds of quantum meruit
  - (D) B can claim the reward, because a general offer requires no acceptance at all
- 
- 64. Under Section 4 of the Indian Contract Act, 1872, the communication of a proposal is complete:**
- (A) when it comes to the knowledge of the person to whom it is made
  - (B) when it is put in a course of transmission to the person to whom it is made
  - (C) when the proposer signs the written proposal
  - (D) when the acceptor dispatches his acceptance
- 
- 65. Consider the following statements about Carlill: I. The court held that the advertisement was an offer to contract with the whole world at once. II. The court found consideration in the inconvenience of using the smoke ball as directed. Which of the statements is/are correct?**
- (A) Only I
  - (B) Both I and II
  - (C) Only II
  - (D) Neither I nor II

**PASSAGE 14 · LAW OF TORTS**

**The Snail in the Bottle**

On an August evening in 1928, May Donoghue went with a friend to a café in Paisley, Scotland. The friend bought her a bottle of ginger beer manufactured by David Stevenson. The bottle was made of dark opaque glass, so its contents could not be seen. After Mrs Donoghue had drunk some of the ginger beer, her friend poured the remainder into her glass, and the decomposed remains of a snail floated out. Mrs Donoghue claimed that she suffered shock and severe gastroenteritis as a result.

Because her friend had bought the drink, Mrs Donoghue had no contract with the café owner or the manufacturer, and could not sue for breach of warranty. Her only possible claim lay in negligence against the manufacturer. The existing law was unfavourable. Courts had generally held that a manufacturer owed a duty of care only to those with whom he had a contract, except where the product was dangerous in itself or where the manufacturer knew of a defect and concealed it.



The House of Lords, by a majority of three to two, held that the facts alleged disclosed a cause of action. Lord Atkin, in the leading speech, sought a general principle underlying the scattered instances in which a duty of care had been recognised. He found it in the precept that one must take reasonable care to avoid acts or omissions which one can reasonably foresee would be likely to injure one's neighbour. Neighbours, in law, are those persons so closely and directly affected by one's act that one ought reasonably to have them in contemplation when directing one's mind to the acts or omissions in question.

Applying this principle, the majority held that a manufacturer of products, which he sells in such a form as to show that he intends them to reach the ultimate consumer in the form in which they left him, with no reasonable possibility of intermediate examination, owes that consumer a duty to take reasonable care that the products are free from defects likely to cause injury. The opaque bottle and the sealed form in which the drink reached Mrs Donoghue meant that no intermediate inspection was possible. Lord Buckmaster and Lord Tomlin dissented, fearing that the decision would open the door to unlimited liability.

The significance of the case is twofold. It established the narrow rule of manufacturers' liability, a foundation of modern product liability law. More broadly, Lord Atkin's neighbour principle established negligence as an independent tort based on a general duty of care, rather than a collection of isolated duties. Later courts refined the test for the existence of a duty, most notably in *Caparo Industries plc v. Dickman* (1990).

Based on *Donoghue v. Stevenson* [1932] AC 562

**66. Why could Mrs Donoghue not sue anyone for breach of warranty?**

- (A) Because warranties do not apply to food and drink
- (B) Because the limitation period for contractual claims had expired
- (C) Because her friend bought the drink, so she had no contract with the café owner or the manufacturer
- (D) Because the café owner had excluded all warranties by notice

**67. Which feature of the facts showed that there was no reasonable possibility of intermediate examination?**

- (A) The café owner was a friend of the manufacturer
- (B) The snail was visible before the bottle was opened
- (C) Mrs Donoghue had drunk only part of the ginger beer
- (D) The ginger beer reached her in a sealed bottle of dark opaque glass

**68. A manufacturer sells medicine in sealed strips. A pharmacist sells a strip to X, who gives it to his mother, Y. Because of a manufacturing defect, Y is harmed. Applying the neighbour principle:**

- (A) the manufacturer owes Y a duty of care, as she is a foreseeable ultimate consumer and no intermediate examination was possible
- (B) the manufacturer owes Y no duty, because Y did not buy the medicine
- (C) only the pharmacist can be liable, because he sold the medicine
- (D) the manufacturer is liable only if it knew of the defect and concealed it



69. In *Caparo Industries plc v. Dickman* (1990), the House of Lords indicated that the existence of a duty of care requires:
- (A) foreseeability of damage, a relationship of proximity, and that it be fair, just and reasonable to impose a duty
  - (B) the escape of a dangerous thing brought onto land in the course of a non-natural use
  - (C) a contractual relationship together with foreseeability of harm
  - (D) proof that the defendant intended to cause harm to the claimant
70. Which of the following is NOT correct according to the passage?
- (A) Lord Atkin delivered the leading speech.
  - (B) Lord Buckmaster and Lord Tomlin dissented, fearing unlimited liability.
  - (C) The case established negligence as an independent tort based on a general duty of care.
  - (D) The House of Lords decided the case unanimously.

PASSAGE 15 · CRIMINAL LAW

### The Rarest of Rare Cases

Bachan Singh was convicted of murdering three persons and was sentenced to death. His appeal raised a question of wider importance: whether the death penalty provided for murder under Section 302 of the Indian Penal Code was constitutional, and whether the sentencing procedure in Section 354(3) of the Code of Criminal Procedure, 1973 was valid. Section 354(3) required the court, when sentencing a person convicted of an offence punishable with death or life imprisonment, to record special reasons for a sentence of death. The matter was referred to a five-judge Constitution Bench, which delivered its judgment in 1980.

By a majority of four to one, the Court upheld the constitutionality of the death penalty. The petitioners argued that it violated Articles 14, 19 and 21, that it served no penological purpose and that it gave judges unguided discretion. The majority, in an opinion written by Justice R.S. Sarkaria, held that Article 21 itself contemplates deprivation of life according to procedure established by law, and that the framers of the Constitution were aware of the death penalty. There was no conclusive evidence that the death penalty failed to deter, and the question of abolition was primarily one for the legislature. Sentencing discretion was not unguided, since it was to be exercised on well-recognised principles and was subject to appeal.

The more enduring part of the judgment concerns how that discretion should be exercised. The Court held that, after the 1973 Code, life imprisonment is the rule and the death sentence the exception. The court must consider not only the crime but also the criminal, weighing aggravating and mitigating circumstances. The majority indicated, without making the list exhaustive, mitigating factors such as the young or old age of the accused, the probability that the accused would not commit further acts of violence, the possibility of reform and rehabilitation, and the fact that the accused acted under duress or extreme mental or emotional disturbance. The death sentence was to be imposed only in the rarest of rare cases, when the alternative option is unquestionably foreclosed.

Justice P.N. Bhagwati dissented. In his view, the death penalty for murder was unconstitutional because it gave courts an arbitrary and uncontrolled discretion to choose between life and death, leading to inconsistent results.

The rarest of rare doctrine became the governing standard for capital sentencing in India. In *Machhi Singh v. State of Punjab* (1983), the Court sought to give it more concrete content by identifying categories of cases, focusing on the manner of commission, the motive, the anti-social nature of the crime, its magnitude and the personality of the victim.



Based on *Bachan Singh v. State of Punjab* (1980)

- 71. Which provision, as described in the passage, required courts to record special reasons when awarding a sentence of death?**
- (A) Section 302 of the Indian Penal Code
  - (B) Article 72 of the Constitution
  - (C) Section 304 of the Indian Penal Code
  - (D) Section 354(3) of the Code of Criminal Procedure, 1973
- 
- 72. Which of the following was NOT mentioned in the passage as a mitigating circumstance?**
- (A) The young or old age of the accused
  - (B) The probability of reform and rehabilitation of the accused
  - (C) The fact that the victim was a public servant on duty
  - (D) The accused acting under extreme mental or emotional disturbance
- 
- 73. A 19-year-old with no criminal record kills a neighbour in a sudden quarrel. Reports show strong prospects of reform. Applying *Bachan Singh*, the appropriate sentence is most likely:**
- (A) life imprisonment, since strong mitigating factors exist and the alternative option is not unquestionably foreclosed
  - (B) death, since murder ordinarily attracts the death penalty
  - (C) no sentence, since the death penalty was declared unconstitutional
  - (D) death, since the court must look only at the crime and not at the criminal
- 
- 74. Justice P.N. Bhagwati's dissent in *Bachan Singh* rested principally on the view that:**
- (A) Article 21 does not contemplate deprivation of life in any circumstances
  - (B) Section 354(3) had not been validly enacted by Parliament
  - (C) the death penalty gave courts arbitrary and uncontrolled discretion, producing inconsistent results
  - (D) the accused had been denied legal aid at the trial
- 
- 75. The power of the President to grant pardons and to suspend, remit or commute a sentence of death is conferred by:**
- (A) Article 161 of the Constitution
  - (B) Article 143 of the Constitution
  - (C) Article 123 of the Constitution
  - (D) Article 72 of the Constitution

#### PASSAGE 16 · CRIMINAL LAW

### Provocation and the Cooling of Passion

Commander K.M. Nanavati, a naval officer, lived in Bombay with his wife Sylvia and their children. During his long absences at sea, Sylvia developed an intimate relationship with Prem Ahuja, a businessman. On 27 April 1959, she confessed the relationship to her husband. Nanavati drove his wife and children to a cinema, then went to his ship, where he obtained a revolver and cartridges on a false pretext. He drove to Ahuja's office



and, not finding him there, went to his flat. There, after a short exchange in Ahuja's bedroom, three shots were fired and Ahuja died. Nanavati then surrendered to the police.

At his trial before a jury in the Bombay Sessions Court, Nanavati claimed that the shooting was accidental, occurring during a struggle. The jury returned a verdict of not guilty by eight to one. The Sessions Judge, considering the verdict perverse, referred the case to the High Court under Section 307 of the Code of Criminal Procedure, 1898. The High Court convicted Nanavati of murder under Section 302 of the Indian Penal Code and sentenced him to life imprisonment. The Supreme Court affirmed the conviction in 1961.

A key question was whether the case fell within Exception 1 to Section 300 of the Penal Code, under which culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation. The burden of proving the exception lay on the accused.

The Supreme Court laid down the test as whether a reasonable man, belonging to the same class of society as the accused and placed in the situation in which the accused was placed, would be so provoked as to lose his self-control. It accepted that in India words and gestures may, in certain circumstances, amount to grave and sudden provocation, and that the mental background created by a previous act of the victim may be taken into account. But the fatal blow must be clearly traced to the influence of passion arising from that provocation, and not to a time after the passion had cooled by lapse of time or had otherwise given room for premeditation and calculation.

On the facts, the Court held that Nanavati had regained his self-control. The interval of some hours between the confession and the shooting, and his deliberate conduct in the meantime, showed that the killing was premeditated rather than the product of sudden passion. The case attracted enormous public attention, and it is often associated with the decline of jury trials in India, which were not retained in the Code of Criminal Procedure, 1973.

Based on K.M. Nanavati v. State of Maharashtra (1961)

**76. How did the jury's verdict of acquittal come to be set aside?**

- (A) The Sessions Judge considered it perverse and referred the case to the High Court under Section 307 of the CrPC, 1898
- (B) The Supreme Court took suo motu notice of the verdict and ordered a retrial
- (C) The prosecution petitioned the Governor to set the verdict aside
- (D) The verdict was void because a jury verdict had to be unanimous

**77. According to the passage, the test for grave and sudden provocation laid down in Nanavati is:**

- (A) whether the accused himself in fact lost self-control, whatever a reasonable man would have done
- (B) whether the deceased intended to provoke the accused
- (C) whether a reasonable man of the same class of society as the accused, placed in his situation, would be so provoked as to lose self-control
- (D) whether the provocation took the form of a physical assault



- 78. At noon, X learns that Y has insulted his sister. X goes home, sharpens a knife, waits until evening and then stabs Y to death at Y's house. Applying Nanavati:**
- (A) Exception 1 applies, because words may amount to grave and sudden provocation
  - (B) Exception 1 applies, because the mental background created by the insult must be considered
  - (C) Exception 1 does not apply, because X's passion had time to cool and his conduct shows premeditation
  - (D) X cannot be guilty of murder, because there was no physical provocation
- 
- 79. Under the Indian Evidence Act, 1872, the burden of proving that a case falls within a general or special exception in the Indian Penal Code, such as Exception 1 to Section 300, lies on the accused by virtue of:**
- (A) Section 101
  - (B) Section 105
  - (C) Section 114
  - (D) Section 32
- 
- 80. Consider the following statements about Nanavati: I. The Supreme Court restored the jury's verdict of acquittal. II. The Supreme Court accepted that words and gestures may, in certain circumstances, amount to grave and sudden provocation. Which of the statements is/are correct?**
- (A) Only II
  - (B) Only I
  - (C) Both I and II
  - (D) Neither I nor II

**PASSAGE 17 · FAMILY LAW**

**Setting Aside Instant Triple Talaq**

Shayara Bano, a woman from Uttarakhand, was divorced by her husband after many years of marriage through talaq-e-biddat, the pronouncement of talaq three times in one sitting, which takes effect immediately and irrevocably. She petitioned the Supreme Court seeking a declaration that the practice was unconstitutional. A five-judge Constitution Bench, whose members belonged to different faiths, heard the matter, and on 22 August 2017 it set aside the practice by a majority of three to two. Although the result was clear, the majority was divided in its reasoning.

Justice R.F. Nariman, writing for himself and Justice U.U. Lalit, focused on the Muslim Personal Law (Shariat) Application Act, 1937. Section 2 of that Act provides that in matters including divorce, the rule of decision where the parties are Muslims shall be the Muslim personal law. In his view, the Act was a law in force within the meaning of Article 13(1), and to the extent it recognised and enforced triple talaq, it was subject to fundamental rights. Since triple talaq allowed a marriage to be broken capriciously, without any attempt at reconciliation, it was manifestly arbitrary and violated Article 14. Section 2 was held void to that extent.

Justice Kurian Joseph concurred in the result but on a different basis. He held that triple talaq was against the basic tenets of the Quran and therefore lacked legal sanction, reasoning that what is bad in theology cannot be good in law. Relying on *Shamim Ara v. State of U.P.* (2002), he held that the practice had no protection under Article 25. He did not agree that the 1937 Act codified personal law so as to bring it within Article 13.

Chief Justice J.S. Khehar, joined by Justice S. Abdul Nazeer, dissented. He held that talaq-e-biddat, though considered sinful, was an integral part of Sunni Hanafi personal law practised for over a thousand years, that



personal law enjoyed the protection of Article 25, and that it could not be tested against the fundamental rights as state action. The dissent, however, accepted that the practice called for reform, and restrained husbands from pronouncing triple talaq for six months, urging Parliament to legislate in the meantime.

Parliament subsequently enacted the Muslim Women (Protection of Rights on Marriage) Act, 2019, which declares the pronouncement of talaq-e-biddat void and illegal and makes it a punishable offence. The case also strengthened the doctrine of manifest arbitrariness under Article 14 as a ground for invalidating legislation, a doctrine relied on in later decisions.

Based on Shayara Bano v. Union of India (2017)

**81. Which judges held that triple talaq violated Article 14 because it was manifestly arbitrary?**

- (A) Justice Kurian Joseph alone
- (B) Chief Justice J.S. Khehar and Justice S. Abdul Nazeer
- (C) Justices R.F. Nariman and U.U. Lalit
- (D) All five judges of the bench

**82. Justice Kurian Joseph's reasoning, as described in the passage, was that:**

- (A) triple talaq is against the basic tenets of the Quran, lacks legal sanction and is not protected by Article 25
- (B) the 1937 Act is a law in force under Article 13(1) and is void to the extent it recognises triple talaq
- (C) personal law is wholly beyond judicial scrutiny
- (D) triple talaq is valid but should be regulated by Parliament

**83. Which of the following was NOT a feature of the dissent of Chief Justice Khehar?**

- (A) It held talaq-e-biddat to be an integral part of Sunni Hanafi personal law
- (B) It restrained husbands from pronouncing triple talaq for six months
- (C) It held Section 2 of the 1937 Act void to the extent it recognised triple talaq
- (D) It urged Parliament to legislate on the subject

**84. Under the Muslim Women (Protection of Rights on Marriage) Act, 2019, a husband who pronounces talaq-e-biddat is punishable with imprisonment for a term which may extend to:**

- (A) one year, or with fine
- (B) seven years, and also with fine
- (C) ten years, and also with fine
- (D) three years, and also with fine

**85. Assertion (A): Justice Nariman held that the Shariat Application Act, 1937 was subject to the fundamental rights. Reason (R): Justice Nariman treated the 1937 Act as a law in force within the meaning of Article 13(1).**

- (A) Both A and R are true, but R is not the correct explanation of A
- (B) A is true but R is false
- (C) A is false but R is true
- (D) Both A and R are true, and R is the correct explanation of A



PASSAGE 18 · PROPERTY LAW

## Why SA/GPA/Will Sales Do Not Convey Title

In many Indian cities, particularly in and around Delhi, a practice developed under which immovable property was "sold" without a registered sale deed. The seller instead executed an agreement of sale, a general power of attorney authorising the purchaser to manage and sell the property, and a will bequeathing the property to the purchaser. These documents, collectively known as SA/GPA/Will transactions, were often accompanied by an affidavit and a receipt for the price. The practice allowed parties to avoid stamp duty and registration charges, to get around restrictions on transfer, and frequently to invest unaccounted money.

In *Suraj Lamp & Industries (P) Ltd. v. State of Haryana*, decided in 2011, a three-judge bench of the Supreme Court, speaking through Justice R.V. Raveendran, examined the legal effect of such transactions and held that they do not convey title and do not amount to a transfer of immovable property.

The Court began with the Transfer of Property Act, 1882. Under Section 54, a sale of tangible immovable property of the value of one hundred rupees and upwards can be made only by a registered instrument. Section 54 also states that a contract for sale does not, of itself, create any interest in or charge on the property. An agreement of sale therefore gives the purchaser, at most, a right to seek specific performance and, if the conditions of Section 53A are satisfied, protection of possession under the doctrine of part performance. Section 17 of the Registration Act, 1908 likewise requires registration of instruments transferring immovable property.

A power of attorney is not an instrument of transfer at all. It is a creation of agency, by which the grantor authorises the grantee to do certain acts on his behalf, including, if so stated, executing a sale deed. It does not by itself transfer any interest to the grantee. Similarly, a will is a declaration of intention that takes effect only on the death of the testator and can be revoked at any time before. None of these documents, individually or together, could substitute for a registered deed of conveyance.

The Court therefore held that such transactions cannot be recognised as completed sales, and that municipal and revenue authorities should not mutate or register property on their basis. It clarified that the decision would not affect genuine transactions in which a power of attorney is given to a family member or a trusted person to manage or sell property, and that persons who had entered such transactions earlier could still use them to obtain a regular registered deed of conveyance. The judgment sought to curb tax evasion and to bring certainty and transparency to land titles.

Based on *Suraj Lamp & Industries (P) Ltd. v. State of Haryana* (2011)

**86. According to the passage, which of the following documents creates only an agency and transfers no interest in the property?**

- (A) A general power of attorney
- (B) A registered sale deed
- (C) A registered gift deed
- (D) A registered deed of conveyance by way of exchange



- 87. Why does a will not transfer title at the time it is executed?**
- (A) Because it must first be attested by a magistrate
  - (B) Because a will is void if made in favour of a non-relative
  - (C) Because a will can operate only on movable property
  - (D) Because it takes effect only on the death of the testator and can be revoked before then
- 
- 88. Q receives the full price from P and executes in P's favour an agreement of sale, a general power of attorney and a will relating to Q's flat, but no registered sale deed. Applying Suraj Lamp, who holds title to the flat immediately afterwards?**
- (A) P, because the full price has been paid
  - (B) Q, because title can pass only by a registered deed of conveyance
  - (C) P, because the will vests the flat in P immediately
  - (D) The municipal authority, until mutation is completed
- 
- 89. After the amendments made in 2001, a written contract for the transfer of immovable property for consideration, relied on for the protection of part performance under Section 53A of the Transfer of Property Act, 1882:**
- (A) may be oral, provided possession has been delivered
  - (B) need only be notarised
  - (C) need only be attested by two witnesses
  - (D) must be registered, failing which it has no effect for the purposes of Section 53A
- 
- 90. Consider the following statements: I. Suraj Lamp held that genuine powers of attorney given to family members to manage or sell property are invalid. II. Section 54 of the Transfer of Property Act, 1882 states that a contract for sale does not, of itself, create any interest in the property. Which of the statements is/are correct?**
- (A) Only I
  - (B) Both I and II
  - (C) Neither I nor II
  - (D) Only II

#### PASSAGE 19 · COMPANY LAW

### The Company as a Separate Person

Aron Salomon carried on a successful business as a leather merchant and boot manufacturer in Whitechapel, London. In 1892 he decided to convert the business into a limited company. The Companies Act, 1862 required at least seven subscribers to the memorandum, so Salomon, his wife and five of his children each subscribed for one share. The company, A. Salomon & Co. Ltd., then bought the business from Salomon for about £39,000, a price that reflected his own optimistic valuation. Part of the price was paid by issuing to Salomon 20,000 fully paid shares and debentures of £10,000 secured by a floating charge over the company's assets. Salomon thus held 20,001 of the 20,007 issued shares and was in effective control.

Strikes and the loss of government contracts soon led to the company's decline, and it went into liquidation. Its assets were enough to pay the secured debentures but nothing was left for the unsecured creditors. The



liquidator contended that the company was a mere sham, an alias or agent of Salomon, and that Salomon should indemnify the company against its debts.

The trial judge held that the company was Salomon's agent, and the Court of Appeal held that the company was a device and that its formation had abused the Companies Act, since the six other members held shares merely to satisfy the statutory requirement of seven. The House of Lords unanimously reversed these decisions.

The Law Lords held that once a company is duly incorporated in accordance with the statute, it is a legal person distinct from its members. Lord Macnaghten observed that the company is at law a different person altogether from the subscribers to the memorandum; even if the business is precisely the same after incorporation as it was before, the company is not in law the agent of the subscribers or trustee for them. The Act required seven members holding at least one share each; it did not require that they be independent or hold a substantial stake. The motives of those who formed the company were irrelevant to its legal existence. Since there was no fraud on creditors, Salomon was entitled, as a secured debenture holder, to be paid before the unsecured creditors.

Salomon laid the foundation of the principle of separate legal personality and limited liability. Courts in later cases have developed exceptions in which the corporate veil may be lifted, as where the company is used for fraud or to evade legal obligations. Modern company law has gone further in accepting the one-man company: the Companies Act, 2013 in India expressly permits a One Person Company, and the separate personality of the company remains the foundation of corporate law.

Based on *Salomon v. A. Salomon & Co. Ltd.* [1897] AC 22

**91. Why did Salomon's wife and five children each subscribe for one share?**

- (A) Because the Companies Act, 1862 required at least seven subscribers to the memorandum
- (B) Because the family members had to guarantee the debentures
- (C) Because a company could not then be controlled by a single person in law
- (D) Because the bank required the family to hold shares before lending

**92. On what basis was Salomon entitled to be paid before the unsecured creditors?**

- (A) He held almost all the shares and was therefore the company's principal
- (B) Shareholders are always paid before creditors in a winding up
- (C) He held secured debentures of a company that was a separate person, and there was no fraud on creditors
- (D) The liquidator had conceded that Salomon was the company's agent

**93. Z incorporates a company in which she holds 99 per cent of the shares. The company buys a car on credit and later becomes insolvent. In the absence of fraud, applying Salomon:**

- (A) Z is personally liable because she controls the company
- (B) Z is liable because a company dominated by one shareholder is her agent
- (C) the seller can proceed against the company's assets but not, ordinarily, against Z's personal assets
- (D) the seller can recover 99 per cent of the price from Z personally



94. In *Lee v. Lee's Air Farming Ltd. (1961)*, the Privy Council, applying the Salomon principle, held that:
- (A) a company cannot own property in its own name
  - (B) a person who controlled a company as its governing director and majority shareholder could also be its employee
  - (C) the corporate veil must be lifted in every one-man company
  - (D) a company is liable for the personal debts of its shareholders
95. Consider the following statements: I. The Court of Appeal held that the company was a device and that its formation abused the Companies Act. II. The House of Lords held that the motives of those who form a company decide whether it is a separate person. Which of the statements is/are correct?
- (A) Only II
  - (B) Both I and II
  - (C) Neither I nor II
  - (D) Only I

**PASSAGE 20 · PUBLIC INTERNATIONAL LAW & HUMAN RIGHTS**

**Force, Intervention and Effective Control**

In 1984 Nicaragua instituted proceedings before the International Court of Justice against the United States. It alleged that the United States had trained, armed, financed and supplied the contras, rebel forces fighting the Nicaraguan government, had itself attacked Nicaraguan ports and oil installations, and had mined Nicaraguan harbours. The United States contended that its actions were collective self-defence of El Salvador, Honduras and Costa Rica, which it claimed were victims of armed subversion supported by Nicaragua. After the Court found in 1984 that it had jurisdiction, the United States withdrew from the proceedings, and the judgment on the merits was given in June 1986 in its absence.

An important preliminary issue concerned the applicable law. The United States' acceptance of the Court's compulsory jurisdiction contained a reservation excluding disputes arising under multilateral treaties unless all treaty parties affected were before the Court. The Court therefore did not apply the United Nations Charter as such, but decided the case under customary international law. It held that customary rules continue to exist and apply alongside treaty rules, even where the two have identical content. A customary rule requires both a settled practice of states and *opinio juris*, the belief that the practice is legally obligatory.

The Court held that the prohibition of the use of force and the principle of non-intervention form part of customary law. It distinguished the most grave forms of the use of force, which constitute an armed attack, from other less grave forms. The sending of armed bands by or on behalf of a state, on a significant scale, could amount to an armed attack. But assistance to rebels in the form of weapons or logistical support did not by itself amount to an armed attack, though it could be an unlawful use of force or intervention. Since the states concerned had not suffered an armed attack, and had not declared themselves victims or requested assistance at the relevant time, collective self-defence was unavailable.

On attribution, the Court held that, despite heavy financing and support, the United States could not be held responsible for the acts of the contras unless it had effective control of the military or paramilitary operations in the course of which the alleged violations were committed. That threshold was not met. The United States was, however, responsible for its own acts, including the mining of the harbours and the direct attacks.



The Court found that the United States had breached its customary obligations not to use force, not to intervene in the affairs of another state and not to violate its sovereignty, and was under a duty to make reparation. The effective control test remains a central reference point on state responsibility.

Based on Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) (1986)

- 96. Why did the Court decide the case under customary international law rather than under the UN Charter as such?**
- (A) Because the United States' reservation excluded disputes arising under multilateral treaties
  - (B) Because the UN Charter does not prohibit the use of force
  - (C) Because Nicaragua was not a member of the United Nations
  - (D) Because customary law always overrides treaty law
- 
- 97. According to the passage, the supply of weapons and logistical support to rebels in another state:**
- (A) always amounts to an armed attack justifying self-defence
  - (B) is lawful under customary international law
  - (C) amounts to an armed attack whenever more than one state is affected
  - (D) does not by itself amount to an armed attack, though it may be an unlawful use of force or intervention
- 
- 98. State A finances and arms a rebel group fighting in State B but does not direct or control its specific operations. The rebels commit massacres of civilians. Applying the effective control test:**
- (A) State A is responsible for every act of the rebels because it financed them
  - (B) State A is responsible only if the Security Council so declares
  - (C) State A bears no international responsibility of any kind
  - (D) State A is not responsible for the massacres as such, though it may be responsible for its own unlawful assistance
- 
- 99. The inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations is recognised in:**
- (A) Article 51 of the UN Charter
  - (B) Article 2(4) of the UN Charter
  - (C) Article 39 of the UN Charter
  - (D) Article 33 of the UN Charter
- 
- 100. According to the passage, a rule of customary international law requires:**
- (A) ratification by two-thirds of the members of the United Nations
  - (B) a settled practice of states accompanied by opinio juris
  - (C) codification in a multilateral treaty
  - (D) a resolution of the UN General Assembly adopted unanimously

**PASSAGE 21 · ENVIRONMENTAL LAW**

**The State as Trustee of Nature**



In 1996, a newspaper reported that Span Motels Private Limited, a company with which the family of Kamal Nath, a former Union Minister for Environment and Forests, had direct links, had built a resort on the banks of the river Beas near Kullu-Manali in Himachal Pradesh. The report alleged that the company had encroached on forest land, which was later leased to it by the State Government, and that it had used bulldozers and earth-movers to divert the course of the river in order to protect the resort from floods. The Supreme Court took notice of the report and initiated proceedings.

The bench, led by Justice Kuldip Singh, found that the motel had interfered with the natural flow of the river and that the area was ecologically fragile. The question was whether the State could lease such land to a private party for commercial purposes in a manner that disturbed the river.

The Court answered by adopting the public trust doctrine. The doctrine has its roots in Roman law, which treated certain resources such as the air, running water, the sea and the seashore as common to all, and it was developed in American law, notably through the scholarship of Professor Joseph Sax. Its essence is that certain natural resources are of such great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The State holds these resources as a trustee for the benefit of the general public, not as an owner, and cannot transfer them to private interests in a way that defeats their public use.

The Court held that the public trust doctrine is part of the law of the land in India. The State, as trustee, was under a legal duty to protect natural resources, and the river, the forest and the surrounding area were held by it in trust for the public. By leasing ecologically fragile riparian land to the motel and allowing it to alter the river's course, the State had committed a breach of public trust.

The Court quashed the prior approval granted by the Union Ministry for the lease and the lease deeds themselves, directed the State to take over the area and restore it to its original natural condition, and applied the polluter pays principle, requiring Span Motels to pay compensation for the restitution of the environment and ecology of the area. The motel was also directed to show cause why it should not pay exemplary damages.

The decision made the public trust doctrine an important tool of Indian environmental law, linking it with the right to a wholesome environment that the Court has read into Article 21.

Based on M.C. Mehta v. Kamal Nath (1997) 1 SCC 388

**101. According to the passage, under the public trust doctrine the State holds certain natural resources:**

- (A) as their absolute owner, free to dispose of them as it chooses
- (B) as a trustee for the public, and cannot transfer them to private interests in a way that defeats their public use
- (C) only for the purpose of raising public revenue
- (D) on behalf of the owners of land along the river

**102. Which of the following was NOT among the directions given by the Court in Kamal Nath, as described in the passage?**

- (A) Quashing the prior approval and the lease deeds
- (B) Directing the State to take over the area and restore it to its natural condition
- (C) Requiring Span Motels to pay compensation for restoring the environment
- (D) Directing the arrest and prosecution of the directors of Span Motels



**103. The polluter pays principle and the precautionary principle were recognised as part of the environmental law of India in:**

- (A) Olga Tellis v. Bombay Municipal Corporation (1985)
- (B) Vellore Citizens' Welfare Forum v. Union of India (1996)
- (C) Subhash Kumar v. State of Bihar (1991)
- (D) Rural Litigation and Entitlement Kendra v. State of U.P. (1985)

**104. A State government leases part of a public lake to a private developer, permitting it to fill the lake and build a shopping mall. Applying Kamal Nath, the lease is:**

- (A) liable to be quashed as a breach of public trust
- (B) valid, because the State is the owner of the lake
- (C) valid, provided an adequate lease rent is paid
- (D) open to challenge only by the owners of land around the lake

**105. According to the passage, the public trust doctrine has its roots in:**

- (A) Roman law, which treated the air, running water and the sea as common to all
- (B) the Indian Forest Act, 1927
- (C) the Hindu law of religious endowments
- (D) the Stockholm Declaration of 1972

#### PASSAGE 22 · INTELLECTUAL PROPERTY

### Section 3(d) and Evergreening

Imatinib, a compound useful in treating chronic myeloid leukaemia, had been disclosed in a patent obtained by Novartis in the United States in the 1990s, at a time when India did not grant product patents for pharmaceuticals. In 1998, Novartis applied in India for a patent on the beta crystalline form of imatinib mesylate, which it marketed as Glivec. Since India was then obliged under the TRIPS Agreement to introduce product patents by 2005, the application was kept in a mailbox to be examined later. Meanwhile, Indian generic manufacturers were selling the drug at a fraction of Novartis's price.

When the application was examined after the Patents (Amendment) Act, 2005, it was rejected. Novartis's challenge to the constitutionality of Section 3(d) was dismissed by the Madras High Court, and the Intellectual Property Appellate Board, though finding the claimed invention novel and non-obvious, held that it was not patentable under Section 3(d). Novartis then appealed to the Supreme Court, which gave its judgment on 1 April 2013.

Section 3(d), as amended in 2005, provides that the mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance is not an invention. Its Explanation states that salts, esters, polymorphs, isomers and other derivatives of a known substance shall be considered the same substance, unless they differ significantly in properties with regard to efficacy. The provision was intended to prevent evergreening, the practice of extending patent protection over an existing drug through minor modifications.

A bench of Justice Aftab Alam and Justice Ranjana Prakash Desai held that the beta crystalline form was a new form of a known substance, since imatinib mesylate had already been disclosed. For a medicine, the Court held, efficacy under Section 3(d) means therapeutic efficacy, to be judged strictly. Properties such as



better flowability, thermodynamic stability and lower hygroscopicity, though useful in manufacture and storage, are not relevant to therapeutic efficacy. Novartis's claim that the beta form had about thirty per cent higher bioavailability did not help, since it had not shown that this produced an enhanced therapeutic efficacy. The Court also held that the product failed the tests of invention and inventive step, because of the earlier disclosure.

The Court clarified that Section 3(d) does not bar patents on all incremental inventions of chemical and pharmaceutical substances; it only requires that a new form of a known substance show enhanced efficacy. The decision is widely seen as affirming India's freedom to use the flexibilities available under TRIPS to protect public health and access to affordable medicines.

Based on Novartis AG v. Union of India (2013)

**106. Consider the following statements: I. The Intellectual Property Appellate Board found the beta crystalline form novel and non-obvious but held it unpatentable under Section 3(d). II. The Supreme Court held that Section 3(d) bars patents on all incremental pharmaceutical inventions. Which of the statements is/are correct?**

- (A) Only II
- (B) Both I and II
- (C) Neither I nor II
- (D) Only I

**107. Why was Novartis's claim of about thirty per cent higher bioavailability insufficient?**

- (A) Because bioavailability cannot be measured scientifically
- (B) Because the claim had been made only before the United States patent office
- (C) Because Novartis had not shown that it produced an enhanced therapeutic efficacy
- (D) Because the IPAB had already held the beta form obvious

**108. Under the Explanation to Section 3(d), which of the following is deemed to be the same substance as the known substance unless it differs significantly in properties with regard to efficacy?**

- (A) An entirely new chemical entity not derived from any known substance
- (B) A new machine for manufacturing tablets
- (C) A computer programme per se
- (D) A polymorph of the known substance

**109. The first compulsory licence granted in India under Section 84 of the Patents Act, 1970, in 2012, related to:**

- (A) Bayer's sorafenib tosylate (Nexavar), licensed to Natco Pharma
- (B) Novartis's imatinib mesylate (Glivec), licensed to Cipla
- (C) Roche's trastuzumab (Herceptin), licensed to Biocon
- (D) Gilead's sofosbuvir (Sovaldi), licensed to Ranbaxy



**110. A company seeks a patent for a new salt of a known anti-diabetic drug, showing only that the salt is easier to compress into tablets and stores better. Applying Novartis:**

- (A) the patent should be refused, because these properties do not show enhanced therapeutic efficacy
- (B) the patent should be granted, because the salt is a new form
- (C) the patent should be granted, because better storage is an enhancement of efficacy
- (D) Section 3(d) does not apply, because it covers only anti-cancer drugs

**PASSAGE 23 · OTHER**

### What Counts as an Industry

The Industrial Disputes Act, 1947 defines industry in Section 2(j) in very wide terms, as any business, trade, undertaking, manufacture or calling of employers, and as including any calling, service, employment, handicraft, or industrial occupation or avocation of workmen. For two decades courts struggled to fix its limits. Some decisions excluded hospitals, universities, clubs and research bodies, while others included them. The confusion came to a head in Bangalore Water Supply and Sewerage Board v. A. Rajappa, where the Board, a statutory body supplying water, claimed that it was not an industry. A seven-judge bench decided the case in 1978, and the leading opinion was written by Justice V.R. Krishna Iyer.

The Court formulated what came to be called the triple test. Where there is (i) a systematic activity, (ii) organised by cooperation between employer and employee, (iii) for the production or distribution of goods and services calculated to satisfy human wants and wishes, there is prima facie an industry in that enterprise. Activities that are purely spiritual or religious in character fall outside the definition.

The Court laid down several corollaries. The absence of a profit motive or gainful objective is irrelevant, whether the venture is in the public, joint, private or any other sector. The true focus is functional, and the decisive test is the nature of the activity, with special emphasis on the employer-employee relations. An organisation that is a trade or business does not cease to be one because of the philanthropy animating it. Thus hospitals, educational and research institutions, clubs and charitable undertakings could all be industries if they satisfied the test.

As for the State, the Court held that only sovereign functions, strictly understood, qualify for exclusion. These are the inalienable functions of government, such as the administration of justice, maintenance of law and order and defence. Welfare activities and economic ventures undertaken by government or statutory bodies are not exempt. Where a department undertakes both sovereign and non-sovereign activities, the severable units engaged in non-sovereign activities may be considered industries. The Court overruled earlier decisions such as Safdarjung Hospital (1970) and University of Delhi (1963) to the extent they were inconsistent.

The Board was accordingly held to be an industry. Parliament amended Section 2(j) in 1982 to exclude specified institutions, including hospitals and educational bodies, but that amendment was never brought into force. The breadth of the Bangalore Water Supply definition has since been doubted and the question referred to a larger bench, but the triple test continues to govern the meaning of industry under the Act.

Based on Bangalore Water Supply & Sewerage Board v. A. Rajappa (1978)



- 111. Which of the following is NOT a component of the triple test laid down in Bangalore Water Supply?**
- (A) The activity must be systematic
  - (B) The activity must be carried on with a profit motive
  - (C) It must be organised by cooperation between employer and employee
  - (D) It must be for the production or distribution of goods and services to satisfy human wants
- 
- 112. A charitable trust runs a hospital that charges no fees but employs nurses, technicians and attendants and provides regular, organised medical services. According to the passage, the hospital:**
- (A) cannot be an industry, because it is a charitable institution
  - (B) cannot be an industry, because running hospitals is a sovereign function
  - (C) can be an industry only if it earns a surplus
  - (D) can be an industry, because the absence of profit and the presence of philanthropy are irrelevant if the triple test is met
- 
- 113. Which of the following functions would be excluded from the definition of industry as a sovereign function under the passage?**
- (A) Running a public bus service by a State corporation
  - (B) Operating a government printing press for sale of publications
  - (C) The defence of the country
  - (D) Supply of electricity by a State electricity board
- 
- 114. Under the Industrial Disputes Act, 1947, the conditions precedent to the retrenchment of a workman, such as notice and retrenchment compensation, are laid down in:**
- (A) Section 2(j)
  - (B) Section 25F
  - (C) Section 10
  - (D) Section 33C
- 
- 115. Consider the following statements: I. The 1982 amendment to Section 2(j), excluding hospitals and educational institutions, has been in force since 1984. II. The leading opinion in Bangalore Water Supply was written by Justice V.R. Krishna Iyer. Which of the statements is/are correct?**
- (A) Only I
  - (B) Only II
  - (C) Both I and II
  - (D) Neither I nor II

**PASSAGE 24 · OTHER**

**Doctors, Patients and Consumer Law**

The Consumer Protection Act, 1986 set up a three-tier system of consumer disputes redressal agencies at the district, State and national levels to provide speedy and inexpensive remedies. A recurring question was whether patients could approach these fora for deficiency in medical services. Section 2(1)(o) of the Act



defined service as service of any description made available to potential users, including facilities such as banking, insurance, transport and housing, but excluded the rendering of any service free of charge or under a contract of personal service. The medical profession argued that its services fell outside the Act. The question was settled by a three-judge bench of the Supreme Court in 1995, in an opinion written by Justice S.C. Agrawal.

The doctors' first argument was that the relationship between doctor and patient was a contract of personal service. The Court rejected this. A contract of personal service involves a master and servant relationship, in which the master can direct not only what is to be done but how it is to be done. The relationship between a doctor and patient is instead a contract for services, since the patient cannot control the manner in which the doctor performs his professional work. The exclusion therefore did not apply.

Second, it was argued that the profession is regulated by the Medical Council and that professional standards could not be judged by consumer fora, many of whose members had no medical training. The Court held that disciplinary control by professional bodies did not exclude the Act, and that technical questions could be decided with the help of expert evidence. Where a case involved complicated issues requiring detailed evidence, the fora could direct the parties to approach a civil court.

The Court then classified medical services. Services rendered by doctors and hospitals for payment are covered. Services rendered free of charge to every person, as in a government hospital that charges no one, fall outside the definition. But where a hospital provides free services to some patients and charges others, the services rendered even to the non-paying patients are covered, since the charges paid by some meet the cost of free services to others. Services are also covered where the cost is borne by an insurer or by the patient's employer under the terms of employment, since the patient then does not receive them free of charge.

The decision opened consumer fora to patients across the country and has shaped medical negligence litigation ever since. The standard of care applied in assessing negligence, however, remains that of a reasonably competent practitioner, as later emphasised in decisions such as *Jacob Mathew v. State of Punjab* (2005).

Based on *Indian Medical Association v. V.P. Shantha* (1995)

**116. Why was the relationship between a doctor and a patient held not to be a contract of personal service?**

- (A) Because most doctors are employees of the government
- (B) Because no consideration passes from the patient to the doctor
- (C) Because the patient cannot control the manner in which the doctor performs his professional work
- (D) Because doctors are regulated by the Medical Council

**117. A government hospital charges fees from patients above a certain income and treats all others free. A patient who was treated free alleges negligence. Applying *V.P. Shantha*:**

- (A) she can approach the consumer forum, because services to non-paying patients are covered where other patients are charged
- (B) she cannot approach the forum, because she received the service free of charge
- (C) only patients who paid can approach the forum against the hospital
- (D) she can sue only in a civil court, because government hospitals are excluded



**118. Which of the following falls OUTSIDE the definition of service, according to the passage?**

- (A) Treatment paid for by the patient's medical insurer
- (B) Treatment paid for by the patient's employer under the terms of employment
- (C) Treatment at a government hospital that provides free services to every person
- (D) Treatment at a private nursing home on payment of fees

**119. In Jacob Mathew v. State of Punjab (2005), the Supreme Court held that to fasten criminal liability on a medical professional for negligence:**

- (A) the negligence must be gross or of a very high degree
- (B) simple lack of care, as in civil negligence, is sufficient
- (C) doctors are wholly immune from criminal prosecution
- (D) the doctor is strictly liable for any death during treatment

**120. According to the passage, what may a consumer forum do when a medical negligence complaint raises complicated issues requiring detailed evidence?**

- (A) Refer the case to the Medical Council for a binding decision
- (B) Dismiss the complaint without any hearing
- (C) Refer the question to the High Court under Article 228
- (D) Direct the parties to approach a civil court

NYAYA PATHSHALA



## Answer key

|       |       |       |       |       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 1 B   | 2 B   | 3 C   | 4 D   | 5 B   | 6 C   | 7 C   | 8 B   | 9 B   | 10 A  |
| 11 A  | 12 C  | 13 C  | 14 B  | 15 C  | 16 D  | 17 B  | 18 A  | 19 B  | 20 C  |
| 21 C  | 22 B  | 23 A  | 24 D  | 25 B  | 26 C  | 27 D  | 28 A  | 29 C  | 30 C  |
| 31 A  | 32 D  | 33 A  | 34 B  | 35 A  | 36 A  | 37 D  | 38 B  | 39 A  | 40 D  |
| 41 B  | 42 D  | 43 A  | 44 D  | 45 C  | 46 B  | 47 B  | 48 D  | 49 B  | 50 A  |
| 51 D  | 52 D  | 53 B  | 54 C  | 55 D  | 56 C  | 57 B  | 58 C  | 59 A  | 60 B  |
| 61 B  | 62 C  | 63 B  | 64 A  | 65 C  | 66 C  | 67 D  | 68 A  | 69 A  | 70 D  |
| 71 D  | 72 C  | 73 A  | 74 C  | 75 D  | 76 A  | 77 C  | 78 C  | 79 B  | 80 A  |
| 81 C  | 82 A  | 83 C  | 84 D  | 85 D  | 86 A  | 87 D  | 88 B  | 89 D  | 90 D  |
| 91 A  | 92 C  | 93 C  | 94 B  | 95 D  | 96 A  | 97 D  | 98 D  | 99 A  | 100 B |
| 101 B | 102 D | 103 B | 104 A | 105 A | 106 D | 107 C | 108 D | 109 A | 110 A |
| 111 B | 112 D | 113 C | 114 B | 115 B | 116 C | 117 A | 118 C | 119 A | 120 D |

## Explanations

**1. (B) Parliament can amend any provision of the Constitution, including fundamental rights, but cannot alter its basic structure.** — The passage states that the amending power, though wide and extending to fundamental rights, does not extend to altering the basic structure. The bar on amending fundamental rights was the Golak Nath view, which Kesavananda overruled.

**2. (B) The clause declaring that no such law could be questioned on the ground that it did not give effect to the stated policy, because it excluded judicial review.** — The passage says the first part of Article 31C was upheld and only the second part was struck down because it excluded judicial review altogether. Khanna J in fact held that the right to property was not part of the basic structure.

**3. (C) Indira Nehru Gandhi v. Raj Narain (1975)** — In Indira Nehru Gandhi v. Raj Narain (1975), the Court struck down clause (4) of Article 329A as violating free and fair elections and judicial review, which are basic features. Minerva Mills (1980) concerned the Forty-second Amendment, and Sankari Prasad and Sajjan Singh predate the doctrine.

**4. (D) A is true but R is false** — The passage says Khanna J's opinion proved decisive, so A is true. But it also says he held that the right to property was not part of the basic structure, so R is false.

**5. (B) invalid, because it destroys basic features such as the separation of powers and the supremacy of the Constitution** — The separation of powers and the supremacy of the Constitution are among the basic features listed by Sikri CJ, and no amendment can destroy them. Following the correct procedure does not save an amendment that alters the basic structure.



- 6. (C) That each fundamental right is a separate compartment, so a law affecting personal liberty need satisfy only Article 21.** — The passage describes Gopalan as treating each right as a separate compartment, so that a liberty-depriving law had only to satisfy Article 21; Maneka Gandhi held that such a law must also meet Articles 14 and 19.
- 7. (C) invalid, because the procedure is arbitrary and unfair and must also be tested against Articles 14 and 19** — After Maneka Gandhi, a procedure under Article 21 must be right, just and fair, and the law must also satisfy Articles 14 and 19. Mere enactment by a competent legislature, which sufficed under Gopalan, is no longer enough.
- 8. (B) E.P. Royappa v. State of Tamil Nadu (1974)** — E.P. Royappa (1974) introduced the view that arbitrariness is the antithesis of equality under Article 14. Anwar Ali Sarkar is associated with the reasonable classification test, not the arbitrariness doctrine.
- 9. (B) Because the Attorney General stated that she would be given a hearing and the matter would be reconsidered promptly.** — The passage states that the petition was disposed of on the basis of the Attorney General's statement. The Act did not expressly provide for a hearing; the Court read it in.
- 10. (A) Only I** — The passage says a hearing could in appropriate cases be offered after the order, so I is correct. The Court read audi alteram partem into the provision rather than striking down the Act, so II is wrong.
- 11. (A) Because M.P. Sharma and Kharak Singh, relied on to deny privacy, were decided by benches of eight and six judges, larger than the later benches recognising privacy.** — The passage explains that the earlier decisions denying privacy came from larger benches than the later cases recognising it, so only a larger bench could settle the question.
- 12. (C) Prior approval of the intrusion by a judicial magistrate** — The passage lists legality, legitimate aim and proportionality. Prior judicial approval is not among the three requirements.
- 13. (C) 4:1, with Justice D.Y. Chandrachud dissenting** — In Puttaswamy (Aadhaar) (2018), the majority upheld the scheme subject to conditions, while Justice D.Y. Chandrachud dissented and would have struck down the Aadhaar Act. Justice Sikri wrote the lead majority opinion.
- 14. (B) unconstitutional, because it fails the first requirement that a law must authorise the intrusion** — The passage requires a law authorising the intrusion, and an executive order without statutory backing fails that first requirement. Privacy extends to personal information and is not confined to the home.
- 15. (C) Decisional autonomy over intimate choices such as marriage and procreation** — The passage names bodily integrity, informational privacy and decisional autonomy over intimate matters. It also stresses that privacy is not absolute, which rules out an absolute immunity.
- 16. (D) That only a minuscule fraction of the population was affected and it was for Parliament to change the law** — The passage records that Koushal relied on the minuscule fraction affected and on deference to Parliament. Navtej rejected both lines of reasoning.
- 17. (B) non-consensual sexual acts, acts involving minors and bestiality** — The passage states that the provision was struck down only in so far as it criminalised consensual conduct between adults; it continued to apply to non-consensual acts, acts involving minors and bestiality.
- 18. (A) fundamental rights are governed by constitutional, not majoritarian, morality, and discrimination on sexual orientation is discrimination on the ground of sex** — The passage stresses that constitutional morality, not popular morality, governs rights, and that sexual-orientation discrimination falls within Article 15. A municipal corporation is the State, so these guarantees bind it.



- 19. (B) Section 497, which made adultery an offence** — Joseph Shine struck down Section 497 IPC on adultery as violating Articles 14, 15 and 21. Section 498A remains valid law, and the other two provisions were not struck down in that case.
- 20. (C) Neither I nor II** — The passage says the bench was unanimous, with four concurring opinions, so I is wrong. It also says the smallness of a group is no reason to deny it protection, so II is wrong as well.
- 21. (C) Caste cannot be used at all to identify a backward class** — The passage says caste can be a basis for identifying a backward class, so a total bar on caste was not a limit imposed. The other three are listed in the passage as limits.
- 22. (B) Because an economic criterion alone cannot identify a backward class under Article 16(4)** — The passage gives the reason directly: purely economic criteria could not identify a backward class under Article 16(4). The 50 per cent ceiling is a separate limit and is not given as the reason for striking down this reservation.
- 23. (A) Janhit Abhiyan v. Union of India (2022)** — A five-judge bench upheld the EWS amendment by 3:2 in Janhit Abhiyan (2022). Nagaraj and Jarnail Singh concern reservation in promotions, and Ashoka Kumar Thakur concerns OBC reservation in educational institutions.
- 24. (D) the scheme is flawed because the creamy layer must be excluded** — The Court required the socially advanced members, the creamy layer, to be excluded so that the benefit reaches those who need it. The passage also notes that Article 16(4) is not an exception to Article 16(1).
- 25. (B) Both A and R are true, and R is the correct explanation of A** — Both statements are true, and the passage states that Article 16(4A) was inserted in response to the ruling against reservation in promotions, so R explains A.
- 26. (C) The Court may examine whether relevant material existed and whether the power was used mala fide, but not the sufficiency of the material.** — The passage states that review is limited: the Court asks whether relevant material existed and whether there was mala fides, without examining the sufficiency of the material. Article 74(2) was held not to bar this.
- 27. (D) may only be kept in suspended animation and should not be dissolved** — Because Article 356(3) requires parliamentary approval, the Court held that the Assembly should not be dissolved before that approval and may only be kept in suspended animation.
- 28. (A) flawed, because the majority of a ministry must be tested on the floor of the House** — Bommai held that the floor of the Assembly, not the Governor's assessment, is the proper forum to test majority. That is why the dismissal of the Bommai government without a floor test was held unconstitutional.
- 29. (C) The Forty-fourth Amendment, 1978** — The Thirty-eighth Amendment (1975) inserted the clause making the satisfaction final, and the Forty-fourth Amendment (1978) omitted it. The Forty-second Amendment was itself an Emergency-era amendment and did not restore review.
- 30. (C) Only II** — The passage says Article 74(2) did not prevent the Court from examining the underlying material, so I is wrong. It also says the three dismissals were upheld on the basis of secularism, so II is correct.
- 31. (A) From its residuary legislative power, with Article 368 prescribing only the procedure** — The passage records Subba Rao CJ's view that Article 368 laid down only the procedure and that the power came from Parliament's residuary legislative power. Article 13(4) did not exist until the Twenty-fourth Amendment of 1971.



- 32. (D) To avoid invalidating the First, Fourth and Seventeenth Amendments and the agrarian laws protected by them** — The passage explains that applying the ruling retrospectively would have invalidated earlier amendments and the agrarian legislation, so the Court applied it only for the future.
- 33. (A) It inserted Article 13(4), providing that nothing in Article 13 applies to an amendment made under Article 368.** — The Twenty-fourth Amendment inserted Article 13(4) and amended Article 368. Article 31C came from the Twenty-fifth Amendment, the deletion of the right to property from the Forty-fourth, and the Preamble words from the Forty-second.
- 34. (B) void, because from the date of the decision Parliament had no power to abridge fundamental rights** — Prospective overruling saved only amendments made before the decision. From 27 February 1967, Parliament had no power to abridge any fundamental right, so a 1969 amendment abridging free speech would have been void.
- 35. (A) It was decided unanimously by an eleven-judge bench.** — The passage states that the decision was by a majority of six to five, so it was not unanimous. The other three statements are taken directly from the passage.
- 36. (A) Parliament cannot use its limited amending power to confer an unlimited power upon itself.** — The passage states that because the amending power is limited, Parliament cannot convert it into an unlimited power, and that a limited amending power is itself a basic feature.
- 37. (D) He upheld the amended Article 31C under Section 4, while agreeing that Section 55 was invalid.** — The passage says Bhagwati J agreed that Section 55 was invalid but dissented on Section 4, holding the amended Article 31C valid.
- 38. (B) The insertion of Article 13(4)** — Article 13(4) was inserted by the Twenty-fourth Amendment of 1971, not the Forty-second. The other three changes are described in the passage as made by Sections 4 and 55 of the Forty-second Amendment.
- 39. (A) shall not be enforceable by any court, but are nevertheless fundamental in the governance of the country** — Article 37 makes the directive principles non-justiciable but declares them fundamental in governance and imposes a duty on the State to apply them in making laws. Minerva Mills rejected the idea that they prevail over all fundamental rights.
- 40. (D) invalid, because it destroys the harmony between fundamental rights and directive principles** — Such an amendment repeats Section 4 of the Forty-second Amendment, which Minerva Mills struck down because the balance between Parts III and IV is a basic feature. Clause (4) of Article 368 was itself struck down.
- 41. (B) A statute enacted by the sovereign of an independent political society and backed by a penalty** — For Austin, positive law is a command set by a sovereign and backed by a sanction. Etiquette and international law are positive morality, and scientific laws are laws by metaphor.
- 42. (D) It is bound by a written constitution that limits its power** — The passage says the Austinian sovereign's power is legally illimitable, so being bound by a written constitution contradicts the theory. The other three are parts of Austin's definition.
- 43. (A) enable individuals to create legal relations, such as contracts or wills, without imposing any sanction** — The passage gives contracts and wills as examples of power-conferring rules that impose no sanction. Customary rules growing from usage are a separate criticism mentioned in the passage.
- 44. (D) even under an absolute ruler, subjects may live by customary rules that the ruler never commands, which weakens the command model** — Ranjit Singh was an absolute ruler who never altered the customary rules of his subjects, so their law did not come from his commands. This undercuts Austin's claim that all law is the command of a sovereign.



- 45. (C) Hans Kelsen** — Kelsen's Pure Theory traces the validity of every norm to a higher norm and ultimately to the presupposed Grundnorm. Savigny founded the historical school, and Bentham's command-based approach influenced Austin.
- 46. (B) is obliged to hand over the money but has no obligation to do so** — Hart distinguishes being obliged, a matter of coercion, from having an obligation, which depends on the existence of a rule. The clerk is only obliged.
- 47. (B) the rule of recognition** — The passage states that the rule of recognition remedies uncertainty by specifying the criteria for identifying valid rules. Rules of change cure the static quality, and rules of adjudication cure inefficiency.
- 48. (D) a rule of change** — Rules of change empower persons or bodies to introduce new rules and repeal old ones, which cures the static quality of a regime of primary rules. Adjudication concerns deciding whether a rule has been broken.
- 49. (B) Accepting a rule as a standard for one's own conduct and as a ground for criticising deviation** — The passage describes the internal point of view as the critical reflective attitude of a participant who accepts the rule. Merely predicting behaviour is the external point of view.
- 50. (A) Lon L. Fuller** — In 1958 Hart published Positivism and the Separation of Law and Morals, and Lon Fuller replied in the same volume of the Harvard Law Review. Dworkin's critique of Hart came later, in the 1960s and 1970s.
- 51. (D) Because the assessment of his rivals was intimately connected with his own selection** — The passage says withdrawal was not enough because judging his rivals was intimately connected with his own selection. The Court did not require proof of actual bias.
- 52. (D) a reasonable likelihood of bias** — The Court held that the question was not whether Naqishbund was actually biased but whether there was a reasonable likelihood of bias.
- 53. (B) Only I** — The passage states that natural justice applies to administrative inquiries, so I is correct. The Court said the dividing line was thin and being gradually obliterated by judicial development, not abolished by statute, so II is wrong.
- 54. (C) nemo judex in causa sua** — Nemo judex in causa sua means that no one should be a judge in his own cause, which is the rule against bias. Audi alteram partem is the other limb of natural justice, the right to be heard.
- 55. (D) State of Orissa v. Dr. (Miss) Binapani Dei (1967)** — In Binapani Dei (1967), the Court held that an administrative inquiry into a doctor's age, which affected her service, had to observe natural justice. Tulsiram Patel concerned the exclusion of an inquiry under the second proviso to Article 311(2).
- 56. (C) void ab initio** — Reading Sections 10 and 11 together, the Board held that a minor's contract is not merely voidable but void, and the passage adds that it cannot be ratified on majority.
- 57. (B) Because Section 65 presupposes an agreement between competent parties, which did not exist** — The Board said Section 65 starts from an agreement or contract between competent parties, which was absent. It was Section 64, not Section 65, that it confined to voidable contracts.
- 58. (C) Because the lender's agent knew that Dharmodas was a minor and was not misled** — Estoppel requires that the other party be misled. The passage states that the lender's agent knew the true facts, so there was no estoppel.
- 59. (A) B fails, because a minor's agreement is void and cannot be ratified on attaining majority** — The passage states that a void agreement cannot be ratified, so a minor cannot validate on majority an agreement made during minority. B's suit on the note fails.



- 60. (B) is entitled to be reimbursed from the property of the minor** — Section 68 allows the supplier of necessities to be reimbursed from the minor's property, without making the minor personally liable. This is a statutory exception to the effect of the rule in *Mohori Bibee*.
- 61. (B) It showed that the promise was meant seriously and was not a mere advertising puff.** — The passage states that the reference to the deposit showed that the promise was serious and not a mere puff. The consideration lay in the inconvenience of using the ball as directed.
- 62. (C) Because in such an offer the offeror impliedly dispenses with notice, and performance of the condition is sufficient acceptance** — Bowen LJ held that acceptance must ordinarily be notified, but the offeror may dispense with notice, as it impliedly did here. Performing the conditions was therefore enough.
- 63. (B) B cannot claim the reward, because there can be no acceptance without knowledge of the offer** — Under *Lalman Shukla v. Gauri Dutt*, a person who performs the act without knowing of the offer cannot claim the reward. Section 8 applies only where the conditions are performed in response to a known proposal.
- 64. (A) when it comes to the knowledge of the person to whom it is made** — Section 4 provides that the communication of a proposal is complete when it comes to the knowledge of the offeree. Being put in a course of transmission is the rule for when communication of an acceptance is complete as against the proposer.
- 65. (C) Only II** — The passage says the advertisement was not an offer to the whole world at once but an offer to anyone who performed the conditions, so I is wrong. It also says the inconvenience of using the ball was consideration, so II is correct.
- 66. (C) Because her friend bought the drink, so she had no contract with the café owner or the manufacturer** — The passage states that because her friend bought the ginger beer, Mrs Donoghue had no contract with anyone and so had no claim in warranty. Her only possible claim was in negligence.
- 67. (D) The ginger beer reached her in a sealed bottle of dark opaque glass** — The passage says the opaque bottle and the sealed form in which the drink reached her meant that no intermediate inspection was possible.
- 68. (A) the manufacturer owes Y a duty of care, as she is a foreseeable ultimate consumer and no intermediate examination was possible** — Under the rule in *Donoghue*, a manufacturer owes a duty to the ultimate consumer of a product that reaches her without reasonable possibility of intermediate examination. A contract is not needed, and knowledge of the defect was required only under the older exceptions.
- 69. (A) foreseeability of damage, a relationship of proximity, and that it be fair, just and reasonable to impose a duty** — Caparo set out the three-stage approach of foreseeability, proximity and whether it is fair, just and reasonable to impose a duty. The escape of a dangerous thing describes the rule in *Rylands v. Fletcher*.
- 70. (D) The House of Lords decided the case unanimously.** — The passage states that the decision was by a majority of three to two, so it was not unanimous. The other statements are taken from the passage.
- 71. (D) Section 354(3) of the Code of Criminal Procedure, 1973** — The passage states that Section 354(3) CrPC required special reasons for a death sentence. Section 302 IPC prescribes the punishment for murder, and Article 72 deals with the President's pardoning power.
- 72. (C) The fact that the victim was a public servant on duty** — The passage lists age, the probability of reform and extreme mental or emotional disturbance as mitigating factors. The status of the victim relates to the personality of the victim, which *Machhi Singh* treated as a possible aggravating consideration.



- 73. (A) life imprisonment, since strong mitigating factors exist and the alternative option is not unquestionably foreclosed** — Bachan Singh made life imprisonment the rule and required courts to weigh the criminal as well as the crime. Youth and prospects of reform are listed mitigating factors.
- 74. (C) the death penalty gave courts arbitrary and uncontrolled discretion, producing inconsistent results** — The passage states that Bhagwati J considered the death penalty unconstitutional because of arbitrary and uncontrolled sentencing discretion leading to inconsistent results.
- 75. (D) Article 72 of the Constitution** — Article 72 confers the pardoning power on the President, including in all cases where the sentence is death. Article 161 confers a similar power on the Governor, and Articles 143 and 123 deal with advisory opinions and ordinances.
- 76. (A) The Sessions Judge considered it perverse and referred the case to the High Court under Section 307 of the CrPC, 1898** — The passage states that the Sessions Judge, considering the verdict perverse, referred the case under Section 307 of the 1898 Code, and the High Court then convicted Nanavati.
- 77. (C) whether a reasonable man of the same class of society as the accused, placed in his situation, would be so provoked as to lose self-control** — The Court adopted the objective test of a reasonable man of the same class of society placed in the accused's situation. It also accepted that words and gestures, not only physical acts, may amount to provocation.
- 78. (C) Exception 1 does not apply, because X's passion had time to cool and his conduct shows premeditation** — Nanavati requires the fatal blow to be traced to passion arising from the provocation, not to a time after it has cooled or given room for premeditation. The hours of deliberate preparation take X outside the exception.
- 79. (B) Section 105** — Section 105 of the Evidence Act places on the accused the burden of proving circumstances that bring the case within an exception, and the court presumes their absence. Section 101 sets out the general rule on burden of proof. The corresponding provision in the Bharatiya Sakshya Adhiniyam, 2023 is Section 108.
- 80. (A) Only II** — The Supreme Court affirmed the High Court's conviction for murder, so I is wrong. The passage expressly records that words and gestures may in certain circumstances amount to provocation, so II is correct.
- 81. (C) Justices R.F. Nariman and U.U. Lalit** — The passage states that Nariman J, writing for himself and Lalit J, held triple talaq manifestly arbitrary under Article 14. Kurian Joseph J reached the same result on a different, theological basis.
- 82. (A) triple talaq is against the basic tenets of the Quran, lacks legal sanction and is not protected by Article 25** — Kurian Joseph J held the practice bad in theology and therefore in law, relying on Shamim Ara. He expressly disagreed that the 1937 Act brought personal law within Article 13, which was Nariman J's reasoning.
- 83. (C) It held Section 2 of the 1937 Act void to the extent it recognised triple talaq** — Holding Section 2 of the 1937 Act void was part of Nariman J's majority reasoning, not the dissent. The other three features are attributed to the dissent in the passage.
- 84. (D) three years, and also with fine** — Section 4 of the 2019 Act provides for imprisonment which may extend to three years, and fine. Section 3 declares the pronouncement void and illegal.
- 85. (D) Both A and R are true, and R is the correct explanation of A** — Both statements are taken from the passage. It is because Nariman J treated the Act as a law in force under Article 13(1) that he tested it against Part III, so R explains A.
- 86. (A) A general power of attorney** — The passage states that a power of attorney is a creation of agency and does not by itself transfer any interest. The registered instruments listed are deeds that do transfer interests.



- 87. (D) Because it takes effect only on the death of the testator and can be revoked before then** — The passage describes a will as a declaration of intention that takes effect only on the testator's death and is revocable until then.
- 88. (B) Q, because title can pass only by a registered deed of conveyance** — Suraj Lamp held that SA/GPA/Will transactions do not convey title, since Section 54 TPA requires a registered instrument. Q remains the owner, and the will operates only on Q's death.
- 89. (D) must be registered, failing which it has no effect for the purposes of Section 53A** — The Registration and Other Related Laws (Amendment) Act, 2001 amended Section 53A TPA and inserted Section 17(1A) in the Registration Act, requiring such contracts to be registered. An unregistered contract has no effect for Section 53A purposes.
- 90. (D) Only II** — The passage says genuine powers of attorney given to family members or trusted persons are not affected, so I is wrong. It also quotes the rule in Section 54 that a contract for sale creates no interest, so II is correct.
- 91. (A) Because the Companies Act, 1862 required at least seven subscribers to the memorandum** — The passage states that the 1862 Act required at least seven subscribers, which is why the six family members took one share each. The Lords held that the Act did not require the members to be independent.
- 92. (C) He held secured debentures of a company that was a separate person, and there was no fraud on creditors** — The House of Lords treated the company as a separate person from Salomon, so he could be its secured creditor. Absent fraud, his secured debentures ranked before unsecured debts.
- 93. (C) the seller can proceed against the company's assets but not, ordinarily, against Z's personal assets** — Under Salomon, a duly incorporated company is a separate person even if one shareholder controls it. Without fraud or another ground for lifting the veil, the company's debts are not Z's.
- 94. (B) a person who controlled a company as its governing director and majority shareholder could also be its employee** — In Lee, the widow of the controlling shareholder could claim compensation because he was the company's employee, the company being a separate person. The other options contradict the Salomon principle.
- 95. (D) Only I** — The passage records the Court of Appeal's view as stated in I, so I is correct. The Lords held that the motives of the promoters were irrelevant to the company's legal existence, so II is wrong.
- 96. (A) Because the United States' reservation excluded disputes arising under multilateral treaties** — The passage explains that the multilateral treaty reservation prevented the Court from applying the Charter as such, so it applied customary law, which exists alongside treaty law.
- 97. (D) does not by itself amount to an armed attack, though it may be an unlawful use of force or intervention** — The Court distinguished armed attack, the most grave form of force, from lesser forms; supplying weapons or logistics may be unlawful force or intervention but is not by itself an armed attack.
- 98. (D) State A is not responsible for the massacres as such, though it may be responsible for its own unlawful assistance** — As with the contras, financing and support without effective control of the operations does not make the acts of rebels attributable to the state. The United States was still responsible for its own wrongful acts.
- 99. (A) Article 51 of the UN Charter** — Article 51 preserves the inherent right of self-defence against an armed attack. Article 2(4) prohibits the threat or use of force, Article 39 concerns Security Council determinations, and Article 33 concerns peaceful settlement.



**100. (B) a settled practice of states accompanied by opinio juris** — The passage states that a customary rule requires both settled state practice and opinio juris, the belief that the practice is legally obligatory. Codification is not required, since custom exists alongside treaties.

**101. (B) as a trustee for the public, and cannot transfer them to private interests in a way that defeats their public use** — The passage states that the State holds these resources as a trustee for the public, not as an owner, and cannot transfer them to private interests so as to defeat public use.

**102. (D) Directing the arrest and prosecution of the directors of Span Motels** — The passage lists quashing of the approval and leases, restoration, compensation under the polluter pays principle and a show-cause notice on exemplary damages. It mentions no arrest or prosecution.

**103. (B) Vellore Citizens' Welfare Forum v. Union of India (1996)** — Vellore Citizens' Welfare Forum (1996), concerning tannery pollution in Tamil Nadu, held that both principles are part of Indian environmental law. Olga Tellis concerned pavement dwellers and the right to livelihood.

**104. (A) liable to be quashed as a breach of public trust** — A lake, like a river, is a natural resource the State holds in trust for the public. Transferring it to private use in a way that destroys public use is a breach of public trust, whatever the rent.

**105. (A) Roman law, which treated the air, running water and the sea as common to all** — The passage traces the doctrine to Roman law and its later development in American law through Professor Joseph Sax.

**106. (D) Only I** — The passage records the IPAB's findings as in I, so I is correct. The Supreme Court expressly said that Section 3(d) does not bar all incremental inventions, so II is wrong.

**107. (C) Because Novartis had not shown that it produced an enhanced therapeutic efficacy** — The Court required proof of enhanced therapeutic efficacy, and higher bioavailability alone did not establish it. The IPAB had in fact found the invention non-obvious.

**108. (D) A polymorph of the known substance** — The Explanation lists salts, esters, polymorphs, isomers and other derivatives as the same substance. A computer programme per se is excluded by a different clause, Section 3(k).

**109. (A) Bayer's sorafenib tosylate (Nexavar), licensed to Natco Pharma** — In March 2012 the Controller of Patents granted Natco Pharma a compulsory licence for Bayer's cancer drug Nexavar under Section 84, the first such licence in India.

**110. (A) the patent should be refused, because these properties do not show enhanced therapeutic efficacy** — Under Novartis, properties useful in manufacture and storage, like flowability and stability, are not relevant to therapeutic efficacy. A new salt is deemed the same substance unless it differs significantly in efficacy.

**111. (B) The activity must be carried on with a profit motive** — The passage lists systematic activity, employer-employee cooperation and production or distribution of goods and services as the three limbs. It adds that the absence of a profit motive is irrelevant.

**112. (D) can be an industry, because the absence of profit and the presence of philanthropy are irrelevant if the triple test is met** — The Court held that profit motive is irrelevant and that philanthropy does not take an enterprise outside the definition. Hospitals were expressly brought within it, and Safdarjung Hospital was overruled.



**113. (C) The defence of the country** — The passage confines the exclusion to inalienable functions such as administration of justice, law and order and defence. Economic ventures of the State, such as transport or electricity supply, are not exempt.

**114. (B) Section 25F** — Section 25F requires one month's notice or wages in lieu, retrenchment compensation and notice to the appropriate government before retrenchment. Section 10 deals with reference of disputes and Section 33C with recovery of money due.

**115. (B) Only II** — The passage states that the 1982 amendment was never brought into force, so I is wrong. It also states that Krishna Iyer J wrote the leading opinion, so II is correct.

**116. (C) Because the patient cannot control the manner in which the doctor performs his professional work** — The passage explains that a contract of personal service involves control over how work is done, as between master and servant. A patient has no such control, so the relationship is a contract for services.

**117. (A) she can approach the consumer forum, because services to non-paying patients are covered where other patients are charged** — The Court held that where a hospital charges some patients and treats others free, the free services are also covered, since paying patients meet their cost. Only services free to everyone are excluded.

**118. (C) Treatment at a government hospital that provides free services to every person** — The passage says services rendered free of charge to every person, as in a hospital that charges no one, are excluded. Treatment paid for by an insurer or employer is not received free of charge.

**119. (A) the negligence must be gross or of a very high degree** — Jacob Mathew held that for criminal liability under Section 304A IPC, the negligence of a doctor must be gross or of a very high degree, unlike the ordinary standard of civil negligence.

**120. (D) Direct the parties to approach a civil court** — The passage states that where complicated issues requiring detailed evidence arise, the fora could direct the parties to approach a civil court.

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